
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

44 NORTH SAN JOAQUIN STREET □ SUITE 374 □ STOCKTON, CA 95202

**“REVISED”
Local Agency Formation Commission Meeting Agenda
Thursday, April 13 9:00 A.M.**

In accordance with the Ralph M. Brown Act (Cal. Gov. Code 54950 *et seq.*), as amended by Assembly Bill 361 (2021), the San Joaquin Local Agency Formation Commission and staff will be participating in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public may participate in the meeting by teleconference.

TO ATTEND:

Join Zoom Meeting:

<https://us02web.zoom.us/j/89555898167?pwd=aEs0QnQ2R05hTWRmb20vNVZSNEZIUT09>

Meeting ID: 895 5589 8167

Passcode: 876558

Dial by phone +1 669 900 6833 US

Note: If you don't have access to a smart device or a computer with a webcam & a mic, you can dial in using the teleconference number and meeting ID above.

Attention Callers: Please mute the call unless speaking.

*****To be recognized to speak, please use the "raise hand" or chat feature in Zoom. ***
We have also provided a call-in number, as identified on this Agenda, and encourage you to attend by telephone. ***To be recognized to speak, press *9 to signal the moderator.*****

Download Agenda Packet and Materials at: www.sjgov.org/commission/lafco

* * * *

Call to Order

Announce Date and Time of Meeting for the Record

Roll Call

Pledge of Allegiance

Moment of Silence

CONSENT ITEMS

1. MEETING MINUTES OF MARCH 3, 2022
(Action by All Members)
Approve Summary Minutes of the regular meeting.

2. OUT-OF-AGENCY SERVICE REQUEST
(Action by Regular Members)
Request from the City of Stockton to provide out-of-agency sewer service outside the City boundary under Government Code §56133 to 2431 S. State Route 99 Frontage Road West, 2312 N. Filbert Road, 2294 Waterloo Road, and 3327 S. Odell Avenue in Stockton.

3. DISCUSSION AND POSSIBLE ACTION REGARDING MEETINGS OF THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION UNDER AB 361 USING TELECONFERENCE DURING A PROCLAIMED STATE OF EMERGENCY
(Action by All Members)
Consider Resolution to conduct meetings of the San Joaquin Local Agency Formation Commission using teleconferencing pursuant to Government Code 54953 as amended by Assembly Bill 361 for the period April 14, 2022 to May 14, 2022

PUBLIC HEARING

4. LIGURIAN VILLAGES AND EASTBROOK ESTATES ANNEXATION TO COUNTY SERVICE AREA 41 ZONE C AND THE EXPANSION OF THE SPHERE OF INFLUENCE (LAFC 39-21)
(Action by Regular Members)
Request to annex approximately 45.62 acres to County Service Area No. 41 and the expansion of the Sphere of Influence

5. LIGURIAN VILLAGES AND EASTBROOK ESTATES OUT OF AGENCY TO THE CITY OF STOCKTON (LAFC 38-21)
(Action by Regular Members)

PUBLIC COMMENTS

6. Persons wishing to address the Commission on matters not otherwise on the agenda

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

LAFCo

44 N. SAN JOAQUIN STREET SUITE 374 □ STOCKTON, CA 95202

**SUMMARY MINUTES OF SPECIAL MEETING
March 3, 2022**

VIDEO CONFERENCE

Chairman Breitenbucher called the meeting to order at 9:11 a.m.

MEMBERS PRESENT	Commissioners, Johnson, Lincoln, Villapudua and Chairman Breitenbucher.
MEMBERS ABSENT:	Commissioner Winn
ALTERNATE MEMBERS PRESENT:	Commissioners Diallo, Morowit and Patti
ALTERNATE MEMBERS ABSENT:	None
OTHERS PRESENT:	James Glaser, Executive Officer; Rod Attebery, Legal Counsel and Mitzi Stites, Commission Clerk

CONSENT ITEMS

A motion was made by Commissioner Morowit and seconded by Commissioner Patti, to approve the Consent Calendar.

The motion for approval of the Summary Minutes of February 3, 2021 meeting was passed by a unanimous vote of the Commission.

The motion for approval for the out-of-agency service request to property located at 1859 E. 11th Street was passed by a unanimous vote of the regular voting members of the Commission.

The motion for approval authorizing the San Joaquin Local Agency Formation Commission to conduct meetings using teleconferencing pursuant to Government Code 45953 as amended by AB 361 for the period of March 8, 2022, to April 8, 2022, was passed by a unanimous vote of the regular voting members of the Commission.

PUBLIC COMMENTS

Mo Hatef, Senior Deputy County Administrator, San Joaquin County, stated that she no longer will be the contact person for LAFCo. Adam Brucker will be taking over.

Mr. James Glaser, Executive Officer, thanked Ms. Hatef for all her assistance as she has proved to be an important liaison between the County and LAFCo.

EXECUTIVE OFFICER COMMENTS

James Glaser, Executive Officer, apologized for the meeting starting late. He informed the Commission that staff is currently working on the Incorporation of Mountain House. It is the hope of staff that this project will come before the Commission in July, as the data that has been collected will be accurate until then. Manteca is working on their Municipal Service Review as they have a couple of projects that will be upcoming. The Cities of Lodi, Escalon and Lathrop are currently working on their Municipal Service Review and Sphere of Influence. Stockton has several projects that are in the works as well. One of those projects, Ligurian – Eastbrook Annexation to CSA 41, is very time sensitive and will require a special meeting next month on April 14, 2022 at 9 a.m. LAFCo will still be required to hold a meeting on April 7, 2022 to stay in compliance with AB 361.

COMMISSIONER COMMENTS

Chairman Breitenbucher stated that there was an Ad hoc meeting regarding Ligurian – Eastbrook Annexation and stated that all parties agreed to work diligently so that the project can come before the Commission on April 14, 2022.

Commissioner Patti acknowledged Mr. Glaser's leadership skills and thanked the AD HOC Committee for their efforts on this project.

The meeting adjourned at 9:27 a.m..

COMMISSIONER COMMENTS

8. Comments, Reports, or Questions from the LAFCO Commissioners

ADJOURNMENT

LAFCo

44 N. SAN JOAQUIN STREET SUITE 374 □ STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

April 14, 2022

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: CITY OF STOCKTON OUT-OF-AGENCY SERVICE REQUESTS

Recommendation

It is recommended that the Commission approve the requests from the City of Stockton to provide out-of-agency sewer service under the Government Code §56133 to properties located at 2431 S. State Route 99 Frontage Road West, 2312 N. Filbert Road, 2294 Waterloo Road, and 3327 S. Odell Avenue in Stockton.

Background

Government Code Section §56133 states that the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization and that prior to providing new or extended service, the city or district must first receive approval from LAFCo. The Commission adopted a policy that conditions their approval for out-of-agency service requiring the recordation of an agreement with the landowner consenting to annexation of their property when annexation becomes feasible.

The City of Stockton submitted requests for approval to extend sanitary sewer services to single-family residences and commercial properties outside the city limits but within the City's sphere of influence. A vicinity map is attached showing the locations of each out-of-agency request. Connections to City sewer lines are available to the properties and the property owners have paid the appropriate connection fees to the City. The requests for out-of-agency service are in compliance with the Government Code §56133 and Commission policies. Staff recommends approval of the attached Resolution 1466 approving out-of-agency services.

Attachment: Resolution No. 1466
Vicinity Map

Resolution No. 1466

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE
CITY OF STOCKTON TO 2431 S. STATE ROUTE 99 FRONTAGE ROAD WEST AND
2312 N. FILBERT ROAD, 2294 WATERLOO ROAD, AND 3327 S. ODELL AVENUE IN
STOCKTON**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby approved.

Section 2. The proposal is found to be Categorically Exempt from CEQA.

Section 3. The proposal is subject to the following conditions:

- a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
- b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 14th day of April 2022, by the following roll call votes:

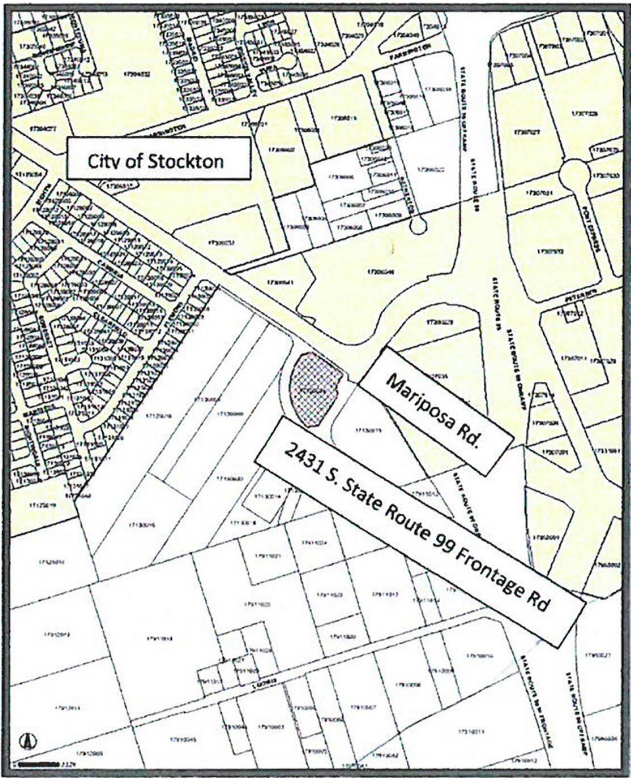
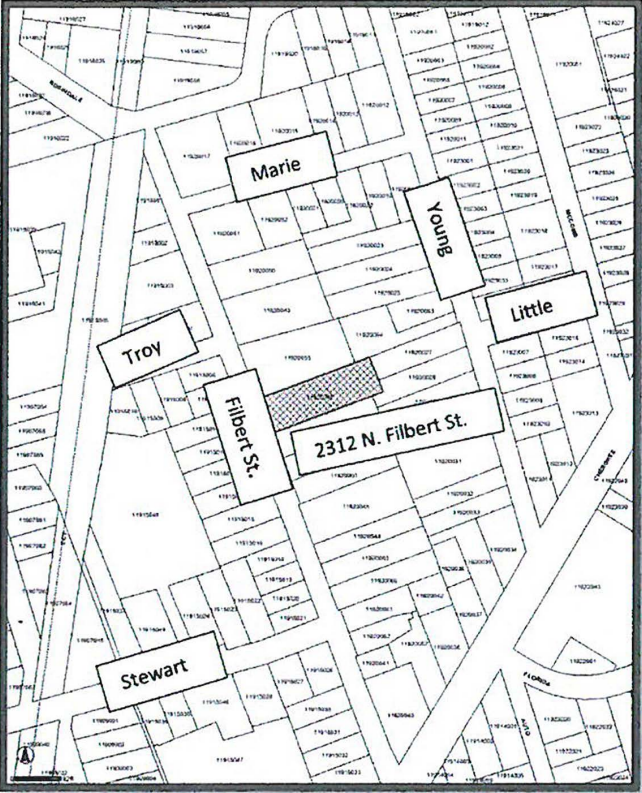
AYES:

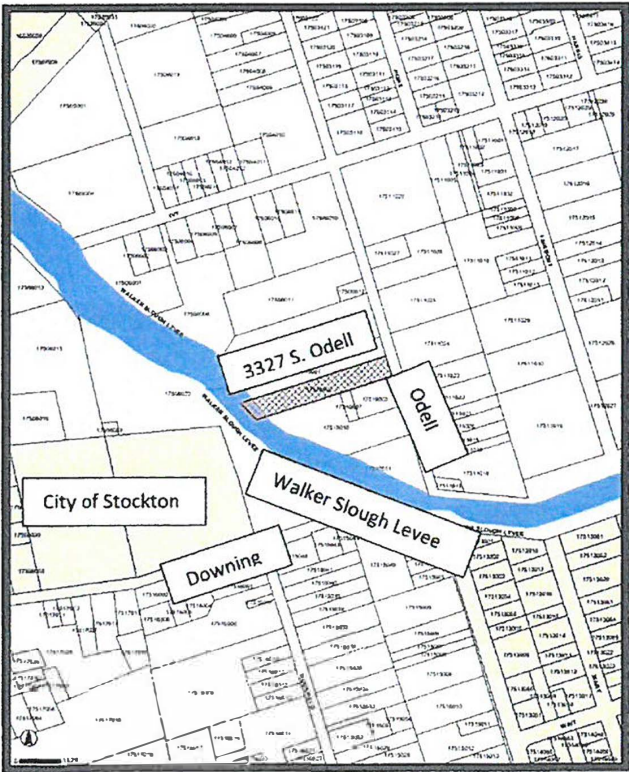
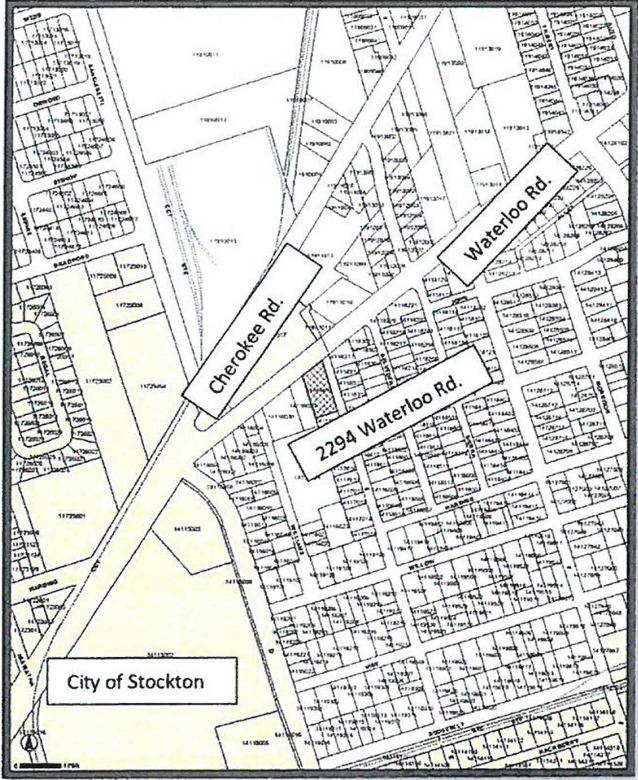
NOES:

ABSENT:

DAVID BREITENBUCHER, Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1466
04-14-21





LAFCo

44 NORTH SAN JOAQUIN STREET, SUITE 374 □ STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

DATE: April 14, 2022

FROM: Rod Attebery, General Counsel

SUBJECT: **Discussion and Possible Action Regarding Meetings of the San Joaquin Agency Formation Commission Under AB 361 Using Teleconference During a Proclaimed State of Emergency**

Recommendation

It is recommended that the Commission approve the attached LAFCo resolution 1465 authorizing Commission to conduct meeting of the San Joaquin Local Agency Formation Commission using teleconferencing pursuant to Government Code 45942 as amended by AB 361 for the period of April 14, 2022 to May 15, 2022.

Background

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 ("AB 361") into law, amending the Ralph M. Brown Act (Gov. Code, § 54950 *et seq.*) (the "Brown Act"). AB 361 codified certain modified requirements for teleconference meetings held by public agencies, similar to those previously authorized and extended by executive order during the COVID-19 State of Emergency.

AB 361 was introduced to provide a longer-term solution for teleconference meetings during states of emergency, effective until January 1, 2024. AB 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or
- C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

(Gov. Code, § 54953(e)(1).)

An agency and any committee that is required to comply with the Brown Act, that holds a meeting under either of the three scenarios must continue to post its agenda in the time required by the Brown Act, and ensure that the public is able to address the agency or committee directly through teleconference means. (*Id.* at subd. (e)(2). If a disruption prevents the agency or committee from broadcasting the meeting or receiving public comments in real time, the agency or committee cannot take further action until those functions are restored; any actions taken during such a disruption are subject to legal challenge. (*Id.*)

Assuming the State of Emergency remains in effect, if the San Joaquin Local Agency Formation Commission (“LAFCo” or the “Commission”) or LAFCo committees wish to continue meeting under the modified rules, then the Commission, and each committee that wants to continue to meet using teleconference must each individually adopt an initial resolution within 30 days of the first teleconference meeting, and then must adopt an extension resolution at least every 30 days thereafter. (*Id.* at subd. (e)(3).) The resolutions must contain findings stating that the Commission or committee has reconsidered the circumstances of the State of Emergency and either (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) State or local officials continue to impose or recommend measures to promote social distancing. (*Id.*)

Where consecutive regular meetings fall outside the 30-day time frame, the Commission or committee should hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions. Without the AB 361 exceptions, the Commission or committee will be required to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, as of October 1, 2021. Therefore, if the AB 361 authorization lapses and the Commission or a committee wishes to hold a teleconference meeting, it will be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the Commission within agency boundaries. If a meeting is not held in conformity with AB 361, commissioners may not teleconference from their residences or other locations which are not open and accessible to the public.

FISCAL IMPACT:

None.

Attachment: Resolution 1468

Resolution No. 1468

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING COMMISSION TO CONDUCT MEETINGS OF THE SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION USING TELECONFERENCING
PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE
PERIOD APRIL 14, 2022 TO MAY 15, 2022**

WHEREAS, the San Joaquin Local Agency Formation Commission (“LAFCo”) is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all meetings of LAFCo’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch LAFCo’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, an Order of the San Joaquin County Public Health Officer acknowledges that close contact to other persons increases the risk of transmission of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED, that the San Joaquin Local Agency Formation Commission approves

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. LAFCo does hereby find that the current dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to LAFCo's employees and attendees of the Commission's public meetings; and

Section 3. Teleconference Meetings. LAFCo does hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and local officials that the Commission may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

Section 4. Direction to Staff. The Executive Officer and LAFCo staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 14th day of April 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

DAVID BREITENBUCHER, Chairman
San Joaquin Local Agency
Formation Commission

LAFCo

44 NORTH SAN JOAQUIN STREET, SUITE 374 STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

PROJECT: LIGURIAN VILLAGES AND EASTBROOK ESTATES
ANNEXATION TO COUNTY SERVICE AREA 41-EAGLECREST
AND EXPANSION OF THE SPHERE OF INFLUENCE (39-21)

PROPOSAL: Annexation of 45.62 acres to County Service Area 41
(CSA 41) for storm drainage and street lighting

APPLICANT: County Public Works Department

LOCATION: Walker Lane, north of Main Street, Stockton (Exhibit A:
Vicinity Map)

PURPOSE: Development of 236 single-family residences (Exhibit B:
Justification of Proposal)

PROCESS: Proposed annexation area is uninhabited and has
consent of the landowners

RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1469 approving the annexation with conditions of approval for the Ligurian Villages and Eastbrook Estates to CSA 41 and expansion of CSA 41's Sphere of Influence (SOI).

BACKGROUND

CSA 41 was formed in 1987 to provide storm drainage and street lighting. In 2006, the Commission approved an annexation for a small residential subdivision and added sewer service to the CSA's authorized powers. The sewer service provided is limited to operation and maintenance of the facilities within the subdivision while sewer treatment is provided by the City of Stockton through a service agreement. A new Zone N was created for the subdivision as no other properties in the CSA receive sewer maintenance service. Subsequently, the Public Works Department created Zone C for the Solari Ranch annexation for storm drainage and street lighting. Solari Ranch will be developed into a 108 residential subdivision. Sewer service for the subdivision will be provided through an Out of Agency agreement with the City of Stockton.

The Ligurian Villages and Eastbrook Estates annexation proposal consists of 11 parcels totaling 45.62 acres. It is proposed that the annexation area would be developed into three residential subdivisions: Ligurian Village 1 consisting of 114 single-family residences; Ligurian Village 2 into 53 single-family residences; and Eastbrook Estates into 69 single-family residences (236 total). Tentative Maps have been conditionally approved by the County in 2007 and 2009. The County Public Works Department included a condition of approval that the proposed annexation area annex into CSA 41 for storm drainage and street lighting. The annexation site will be served by the California Water Service Company and Eastside Fire District. At the present time, no wastewater collection and

treatment are available to the annexation site. In order to receive sewer service to develop the properties, the Developer of the project has submitted a second application to LAFCo for an Out of Agency sewer service from the City of Stockton. The Out of Agency request will be considered as a separate action by the Commission from this annexation proposal.

ENVIRONMENTAL

As the Lead Agency, the County adopted Negative Declarations for Ligurian Village 1 and Eastbrook Estates in 2007 and for Ligurian Village 2 in 2009. With the submittal of the annexation application to LAFCo, the applicant prepared a CEQA Adequacy Review for the Adopted Negative Declarations (November 2021) based on the adopted Appendix G of the CEQA Guidelines (Exhibit C). The purpose of the adequacy review was to evaluate whether additional analysis beyond that presented in the Negative Declarations is required, and, if new significant environmental effects are identified, what mitigation would be required. The review concluded that no new significant environmental effects were identified and no new mitigation measures would be required.

Staff determined that the CEQA Adequacy Review is generally adequate for the project but further identified areas of potential environmental impact that would benefit from additional review and requested that the issues be addressed. Based on Staff analysis, the applicant prepared a subsequent CEQA Adequacy Review (March 2022) incorporating new conditions, which include the following:

Agricultural Conversion: Development of the annexed lands to residential uses will convert more than 45 acres of open space lands to urban uses. An Agricultural Land Conversion Statement (Exhibit D) was prepared by the applicant for the annexation project. The County's Agricultural Land Mitigation Program and the Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) policies, which are intended to permanently protect agricultural land in the County, were considered. The applicant determined that the Agricultural Land Mitigation Program did not apply as the County program is limited to changes in General Plan designations only and no change in land use occurred for the project. The applicant recognizes the importance of protecting and preserving the County's agricultural land and has agreed to make a contribution of \$2,906 per acre for the lands converted to urban uses. The contribution will be made to a qualified land trust specializing in conversion of agricultural lands. The project will participate in the SJMSCP. This program requires payment of fees for conversion of habitat lands to urban uses. Fees are then used to purchase, preserve, and improve habitat lands.

Cultural Resources: The Negative Declaration determined that the project would not have any impact on archaeological resources but recognized that it is conceivable that currently unknown archaeological resources may be encountered during construction activities. In 2016, the County adopted a mitigation measure that would reduce the impacts if archaeological resources were discovered during ground disturbing activities. The mitigation measure would require the halting of all activities within 100 feet of the site, proper notification to the County, and an inspection by the Secretary of the Interior. The applicant has agreed to include a condition of approval to incorporate this County mitigation measure. In addition, LAFCo has agreed to notify tribes that may have traditional and cultural ties to subject site of the annexation project.

Cumulative Impact: There are additional properties (approximately 20 acres) near the annexation site that could potentially annex into CSA 41 and request Out of Agency sewer service from the City of Stockton. Currently there is a pending application with the County to rezone and annex approximately 25 acres located to the southwest of the site. This project, Solari Ranch III, is a proposed single-family residential development consisting of 154 units. The CEQA Adequacy report addressed the three projects collectively but did not determine the cumulative impact by

including the Solari Ranch III project. Staff requested additional evaluation on the potential cumulative impacts to include the pending Solari Ranch III annexation. Upon further review, the applicant found that although there may be cumulative impacts the impacts would not be considerable, impacts would be less than Significant.

FACTORS

Government Code Section 56668.3 states that if a proposed change of organization consists of an annexation to a special district, the Commission shall consider the following factors:

- (1) *Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district*

The landowners have applied for annexation into CSA 41 in order to receive storm drainage and street lighting for development of 236 single-family residential units. Annexation into the CSA is a condition of approval prior to development of the site to allow the County Public Works Department to provide operation and maintenance of the drainage and street lighting facilities. Annexation of the parcels does not impact the provision of storm drainage and street lighting services to inhabitants within the CSA as they will continue to receive services at their present levels after annexation. The developers will be responsible for the costs to install the necessary infrastructure to provide services to the properties and will be required to pay the service charges and fees.

- (2) *Any factors which may be considered by the Commission as provided in §56668. The following factors from §56668 which are appropriate for this annexation include:*

Effect of the proposal on maintaining the physical and economic integrity of agricultural lands as defined by Section 56016

Agricultural lands are defined as land that is currently used for the purpose of producing an agricultural commodity for commercial purposes. The annexation site is vacant and currently not in agricultural uses. Lands to the north, west and east of the proposed annexation site have mainly been developed into residential uses while the lands to the south and across East Main Street are in agricultural production. County land use designations for the project site under the General Plan include R/L, Low Density Residential and C/G General Commercial. Although the project was not required to participate in the County Agricultural Land Mitigation program, the applicant has agreed to make a contribution of \$2,906 per acre for the lands converted to urban uses.

Definiteness and certainty of the boundaries

The proposed annexation site is 11 whole tax assessor parcels and is consistent with Commission policy.

The proposal's consistency with county general and specific plans

The County General Plan designation of the proposed annexation site is Low Density Residential, and the zoning designation is R-L, Low Density Residential. The proposed development of the site is consistent with the general plan and zoning designations. The annexation site is also within the City of Stockton's Planning Area and has designated the site for Low Density Residential.

The ability of the District to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change. (Exhibit E: Annexation Report)

CSA 41 provides storm drainage and street lighting. Other municipal services needed for the proposed development will be provided by outside agencies including Cal Water, City of Stockton, and Eastside Fire District.

Storm Drainage

Development of the annexation site would require installation of storm drainage lines that would connect to existing storm drainage lines in the CSA. The project would also require realignment of an existing storm drainage line along Walker Lane to the existing line on East Main Street. The CSA will provide the operation and maintenance of the facilities and future property owners will be required to pay service charges for storm drainage service based on existing CSA fees.

Street Lighting

Offsite frontage street lighting will be required for the development and will be maintained by the CSA. Property owners will be required to pay service charges based on existing CSA fees.

Water

California Water Service Company (Cal Water) currently provides water to this area in Stockton and will provide water to the new development. Domestic water service would be provided upon connection to an existing 8-inch diameter Cal Water line located on Horner Avenue and a 12-inch water line along East Main Street at Wagner Avenue. The project applicant has obtained a will-serve letter from Cal Water.

Sanitary Sewer Service

Sewer service is provided by the CSA within Zone N, Tierra del Sol subdivision. Development of this residential project will require sanitary sewer service. The applicant has submitted an application to LAFCo for an Out of Agency service agreement from the City of Stockton for sewer.

Fire Service

The project site is located within the Eastside Fire District. The Eastside Fire District contracts with the City of Stockton for fire service. A City fire station is located on 4040 East Main Street, approximately one-half mile from the project area. No change in the level of fire services is expected.

Financial Ability to Provide Service

The applicant will be responsible for financing and constructing the necessary facilities for development. Upon annexation, the applicant will be responsible for paying the annual maintenance fees charged by the CSA as follows: \$94 annual for storm drainage and \$72 annually for street lighting. The Department of Public Works will be responsible for conducting a Proposition 218 election to obtain approval from the property owners to impose the required assessments and property-related fees.

The comments of any affected local agency or other public agency. (Exhibit F: Referral Comments)

Environmental Health: Abandoned well(s) and septic tanks should be destroyed under permit and inspection by Environmental Health.

County Public Works: No comment.

The extent to which the proposal will affect a city and the county in achieving their respective fair share of the regional housing needs

The California Department of Housing and Community Development determines the total number of new homes needed and how affordable those homes need to be to meet the housing needs of people at all income levels. The San Joaquin Council of Governments then distributes a share of the region's housing need to the County and to each city. It is estimated that between 2014 to 2023 the County has produced approximately 37% of the total projected housing need in all income levels. The annexation site will be developed into 236 single-family residences that is estimated to range from \$450,000 to \$550,000 requiring an annual household income ranging from \$68,033 to

\$83,152 to qualify for financing with a 20% down payment. The required income level fall within the "Moderate" income level (Exhibit G: Fair Housing Needs).

Any information or comments from the landowner, voters, or residents of the affected territory
None

(3) Any resolution raising objections to the action that may be filed by an affected agency

Affected agencies include the Eastside Fire District, Stockton East Water District, and Cal Water. The annexation site will not detach from these agencies, and they have not filed resolutions raising objections to the annexation.

(4) Any other matters the Commission deems material

Annexation of the property requires an amendment to the CSA's sphere of influence to include the property.

DISCUSSION

As the Lead Agency under CEQA, the County prepared Initial Studies and certified Negative Declarations for the Ligurian Villages and Eastbrook Estates in 2007 and 2009. The applicant prepared a CEQA Adequacy Review of the Adopted Negative Declarations (November 2021) as required by Appendix G of the CEQA Guidelines. The purpose of the adequacy review was to evaluate whether additional analysis beyond that presented in the Negative Declaration is required, and, if new significant environmental effects are identified, what mitigation would be required. Staff's initial review of the CEQA documents determined that the environmental review is generally adequate for the project but further identified areas of potential environmental impact that would benefit from additional modification. The applicant agreed to update its CEQA Adequacy Review and incorporate staff's analysis. The applicant also agrees to the Conditions of Approval set forth in Resolution 1469.

The project represents a logical extension of the CSA boundary, and the district has the ability to extend storm drainage and street lighting service to the project site. Development of the project into 236 residential units is still in need of sanitary sewer service. The applicant has submitted an application to LAFCo for an Out of Agency service agreement from the City of Stockton to provide sewer. Approval for the Out of Agency sewer service will be considered by the Commission under a separate process.

Attachments: LAFCO Resolution No. 1469

Exhibit A: Vicinity Map

Exhibit B: Justification of Proposal

Exhibit C: CEQA Adequacy Report

Exhibit D: Agricultural Conversion Statement

Exhibit E: Annexation Report

Exhibit F: Referral Comments

Exhibit G: Fair Housing Needs

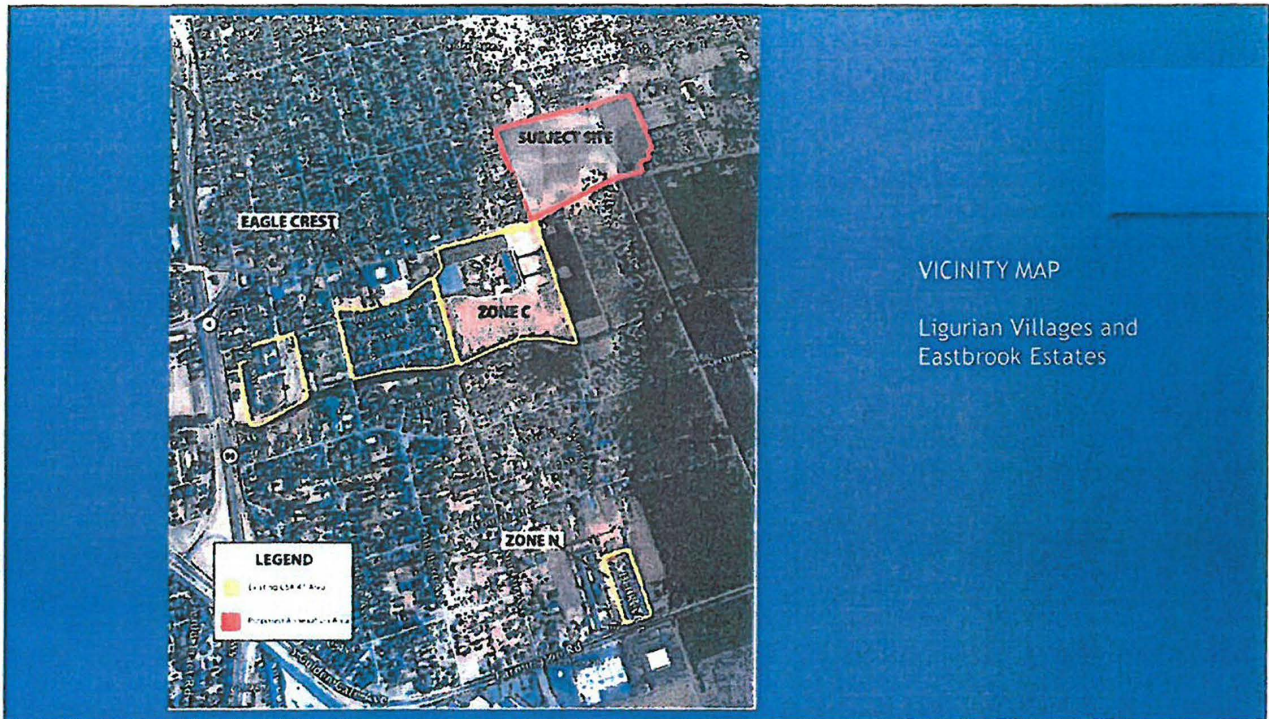
Ligurian Villages and Eastbrook Estates Annexation to County Service Area 41 and Expansion of the Sphere of Influence

Public Hearing
April 14, 2022

San Joaquin Local Agency Formation Commission

Proposal

- Annexation of 45.62 acres to CSA 41 for storm drainage and street lighting
- Proposal consists of 11 parcels to be developed into three residential subdivisions totaling 236 single family homes:
 - Ligurian Village 1 - 114 single family units
 - Ligurian Village 2 - 53 single family units
 - Eastbrook Estates - 69 single family units
- Annexation site is located at Walker Lane, north of Main Street, east Stockton
- Tentative maps approved for the 3 subdivisions requiring annexation into CSA 41



Background

- CSA 41 was formed in 1987 to provide storm drainage and street lighting
- In 2006 the Commission added sewer service to the CSA's authorized powers
- Sewer service is limited to operation and maintenance for a small subdivision
- Zone N was created for the subdivision as no other properties within the CSA receive sewer service
- In 2006, the Commission annexed Solari Ranch, a 108 residential subdivision, for storm drainage and street lighting and formed Zone C
- Sewer service will be provided for the Solari Ranch residential subdivision through an Out-of-Agency service agreement with the City of Stockton

Background

The following municipal services will be provided to the proposed Ligurian Villages and Eastbrook Estates:

- Storm drainage and street lighting to be provided by the CSA Zone C
- Water service to be provided by California Water Service Company
- Fire Service will continue to be provided by the Eastside Fire District
- Sewer service is needed
 - It is proposed that sewer service be provided through an Out-of-Agency service agreement with the City of Stockton
 - Project needs Commission approval for an Out-of-Agency sewer service which will be considered as a separate action from this annexation request

Environmental

- The County adopted Initial Studies/Mitigated Negative Declarations for Ligurian Village 1 and Eastbrook Estates in 2007 and for Ligurian Village 2 in 2009
- A CEQA Adequacy Review for the Adopted Negative Declarations was completed in November 2021 and submitted with the annexation application
- Staff identified 3 areas that needed additional review and requested they be addressed
- Applicant prepared a subsequent CEQA Adequacy Review in March 2022 and incorporated Staff recommendations

Environmental

Agricultural Conversion:

- More than 45 acres of open space lands will be converted to urban uses
- Annexation proposal was not required to participate in the County's Agricultural Mitigation Program as it applies only to changes in General Plan designations
- Applicant agreed to contribute \$2,906 per acre to meet LAFCO's mission to preserve agricultural lands
- Contribution will be made to a qualified land trust

Environmental

Cultural Resources:

- It was determined that the project would not have an impact on archaeological resources but recognized that currently unknown resources may be encountered during construction
- In 2016 the County adopted a mitigation measure that would reduce impacts by requiring the halting of all activities, notification to the County and inspection by the State
- Applicant agrees to the County mitigation measure and include it as a Condition of Approval
- LAFCo has notified appropriate tribes that may have ties to the subject site

Environmental

Cumulative Impact:

- Additional properties near the annexation could potentially annex to CSA 41 and request Out-of-Agency sewer from Stockton
- Solari Ranch III (proposed 154 single family units) is pending
- It was requested that the applicant evaluate if the inclusion of other annexations in the area would have any impact
- Further evaluation found that there may be cumulative impacts but would not be considerable and less than Significant with Mitigation incorporated

Review Factors §56668.3

- Annexation site is consistent with the County's General Plan designation for low density residential
- CSA 41 has the ability to provide storm drainage and street lighting
- Eastside Fire District will continue services through its contract with the City of Stockton
- CalWater issued a Will-Serve letter to serve the annexation site
- The developer will be responsible financing and constructing the necessary facilities

Review Factors §56668.3

- Public Works Department will hold a Prop 218 election to impose service charges and assessments for service
- The 236 proposed single family homes will meet the County needs for Moderate Income level homes
- No significant comments received from affected local agencies

Conditions of Approval

The Applicant agrees to the following conditions of approval:

1. Make a contribution of \$2,906 per acre for Farmland converted to urban use. The contribution shall be made to a qualified land trust and shall be made after annexation approval and prior to issuance of the first building permit.
2. If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities, all activities within 100 feet shall halt and the County and LAFCo staff shall be notified. If it is determined that a project could damage a unique archaeological resource, mitigation shall be implemented, with a preference for preservation in place.

Recommendation

It is recommended that the Commission approve the annexation with Conditions of Approval for the Ligurian Villages and Eastbrook Estates to CSA 41 and expansion of the Sphere of Influence.

Consideration of this matter should occur after the Commission acts on the Out of Agency request.

RESOLUTION NO. 1469

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION APPROVING
THE LIGURIAN VILLAGES AND EASTBROOK ESTATES ANNEXATION TO COUNTY
SERVICE AREA 41-EAGLECREST AND EXPANSION OF THE
SPHERE OF INFLUENCE (L AFC 41-21)**

WHEREAS, the above entitled proposal was initiated by resolution by the County Board of Supervisors and on March 24, 2022 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a telephonic public hearing on the proposed reorganization on April 14, 2022, pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, in accordance with Governor's Executive Order N33-20, LAFCo has arranged for members of the public to observe and address the meeting telephonically and by Zoom.

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal and all persons were given an opportunity to address the hearing telephonically; and

WHEREAS, the County Board of Supervisors certified and adopted Negative Declarations for the Ligurian Village I and Eastbrook Estates in 2007 and for Ligurian Village 2 in 2009 and the applicant completed a CEQA Adequacy Review of the Adopted Negative Declarations in March 22, 2022;

WHEREAS the subject territory is uninhabited and has 100% owner consent;

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668.3 of the California Government Code and testimony and evidence presented at the public hearing held on April 14, 2022.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Negative Declarations as certified by the County and the CEQA Adequacy Review of the Adopted Negative Declarations and further:

- a. Determines that, with the Conditions of Approval attached as Exhibit A, the adopted Negative Declarations are considered adequate for its use and sufficient to meet its obligations as a Responsible Agency under CEQA.

Section 2. Finds that the proposal is uninhabited and has 100% owner consent.

Section 3. Approves the annexation of Ligurian Villages and Eastbrook Estates to County Service Area 41-Eaglecrest with the boundary description attached hereto as Exhibit B.

Section 4. Approves the expansion of Sphere of Influence of County Service Area 41-Eaglecrest to include the Ligurian Villages and Eastbrook Estates annexation.

Section 5. Finds, pursuant to Government Code Section 56856.5, the reorganization is necessary to provide services to a planned, well-ordered, and efficient urban development pattern that includes appropriate consideration of the reservation of open-space lands within those urban development patterns.

PASSED AND ADOPTED this 14th day of April 2022 by the following roll call vote:

AYES:

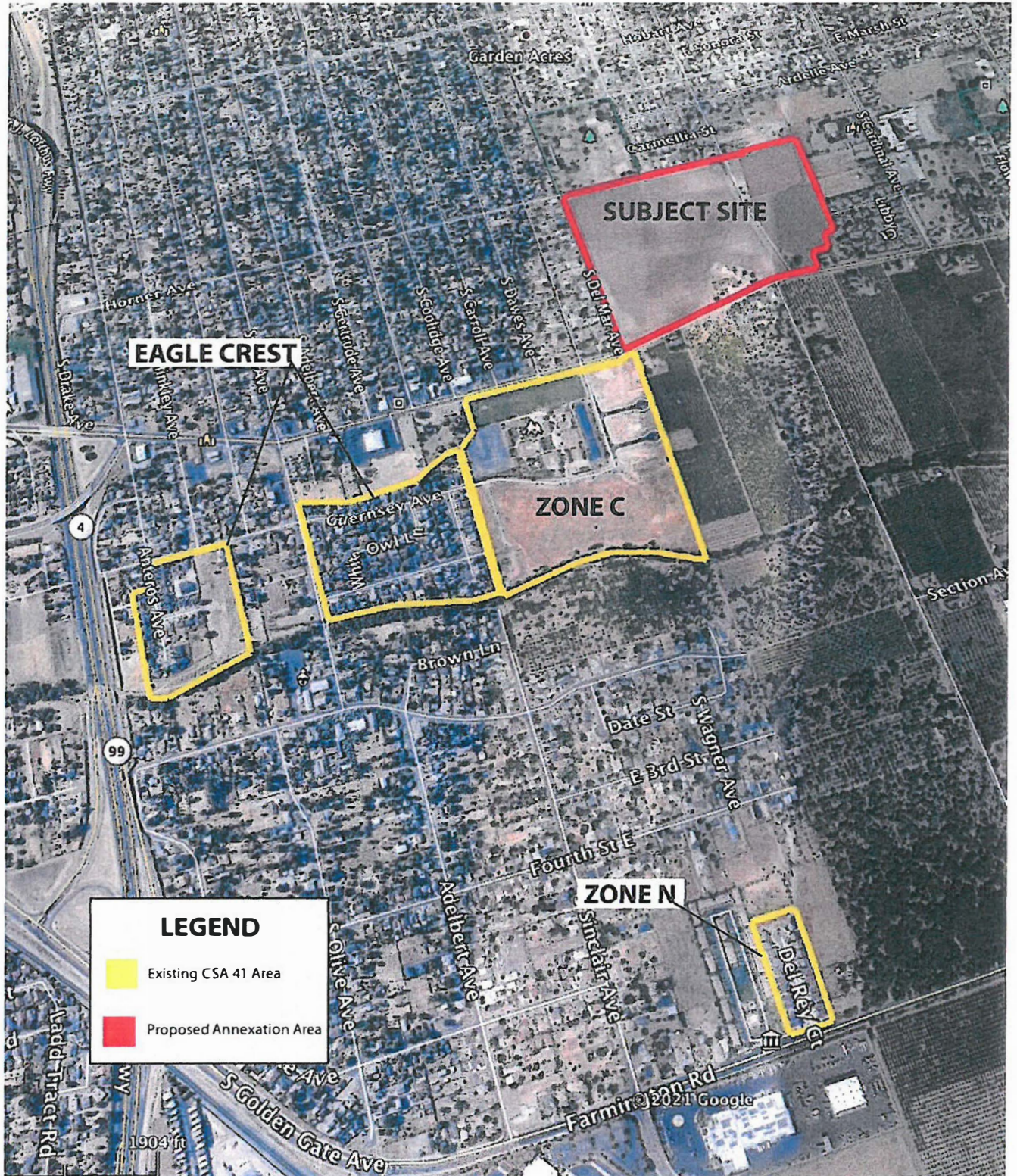
NOES:

ABSENT:

DAVID BREITENBUCHER, CHAIRMAN
San Joaquin Local Agency
Formation Commission

EXHIBIT A
LIGURIAN ESTATES ANNEXATION
LAFCO CONDITIONS OF APPROVAL

1. The project applicant will, as proposed, make a contribution of \$2,906.00 per acre of Farmland converted by the projects to urban use as described in Section 2.2 of the *CEQA Adequacy Review of the Adopted Negative Declarations*, dated March 22, 2022. This contribution shall be made to a qualified land trust specializing in conservation of agricultural lands, such as the California Farmland Trust. This contribution shall be made after annexation approval and prior to issuance of the first building permit.
2. If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities, all activities within 100 feet shall halt and the County and LAFCo staff shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that a project could damage a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the County and LAFCo. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.



**San Joaquin
Local Agency Formation Commission**
509 West Weber Avenue Stockton, CA 95203
209-468-3198 FAX 209-468-3199

JUSTIFICATION OF PROPOSAL

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

SHORT TITLE OF THE PROPOSAL: ANNEXATION TO CSA 41

TYPE OF PROPOSAL

- | | | |
|---|---|--|
| <input type="checkbox"/> City Incorporation | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> District Formation |
| <input type="checkbox"/> Consolidation | <input type="checkbox"/> Sphere of Influence Update | <input checked="" type="checkbox"/> Annexation |
| <input type="checkbox"/> Detachment | <input type="checkbox"/> Addition of Services | <input type="checkbox"/> District Dissolution |
| | <input type="checkbox"/> Reorganization (involving an Annexation and Detachment(s)) | |

AGENCY CHANGES RESULTING FROM THIS PROPOSAL

Agency or Agencies gaining territory: CSA 41

Agency or Agencies losing territory: COUNTY OF SAN JOAQUIN

NOTIFICATION

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
LGI HOMES CA, LLC	2251 DOUGLAS BLVD #110, ROSEVILLE, CA 95661	310-560-1487
NORTHSTAR ENGINEERING	620 12TH ST, MODESTO, CA 95354	209-524-3525
SJC PUBLIC WORKS	1810 E HAZELTON AVE, STOCKTON, CA 95205	209-468-3024

(Attach a separate sheet if necessary.)

PROJECT INFORMATION

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory? Yes No
- 2. Do the proposed boundaries split lines of assessment or ownership? Yes No
- 3. Does the proposal involve public rights-of-way or easements? Yes No
- 4. Does the proposal involve public land or land assessed by the State? Yes No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone? Yes No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement? Yes No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
SEE ATTACHED SHEET		

(Attach a separate sheet if necessary)

8. Physical Location of Proposal: WALKER LANE NORTH OF MAIN STREET
(Street or Road, distance from and name of Cross Street, quadrant of City)

9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)? Yes No
If Yes, please attach a Project Site Plan or Tentative Subdivision Map.
If No, please provide an estimate of when development will occur: _____

10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:

OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE STREET LIGHTING AND STORM DRAINAGE

11. Indicate which of these services or facilities will require main line extensions or facility upgrades in order to serve the affected territory:

THE MAIN STORM LINE RUNNING IN WALKER LANE WILL BE REALIGNED WITH PROJECT

12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach a separate sheet if necessary)

7. List of affected Assessor Parcel Numbers, Owners of Record and Parcel Sizes:

<u>APN</u>	<u>OWNER</u>	<u>ACREAGE</u>
159-100-070	LGI Homes – California, LLC	2.13
159-100-080	LGI Homes – California, LLC	4.97
159-100-090	LGI Homes – California, LLC	5.29
159-100-100	LGI Homes – California, LLC	2.13
159-100-110	LGI Homes – California, LLC	1.15
159-100-120	LGI Homes – California, LLC	14.08
159-400-250	LGI Homes – California, LLC	3.49
159-110-290	LGI Homes – California, LLC	2.10
159-110-300	LGI Homes – California, LLC	3.24
159-110-310	LGI Homes – California, LLC	2.42
159-110-250	LGI Homes – California, LLC	4.62

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at Roseville, California, on October 8, 2021.

APPLICANT

Signature: Evan Licht
Title: Officer

REAL PARTY IN INTEREST
(If different from Applicant)

Signature: _____
Title: _____

SUBMITTALS

In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k);
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

Evan Licht
(Signature)
Print or Type Name: Evan Licht

Date: 10-8-2021
Daytime Telephone: 310-560-1487

EXHIBIT A

CEQA ADEQUACY REVIEW OF THE
ADOPTED NEGATIVE DECLARATIONS

FOR

ANNEXATION OF LIGURIAN VILLAGE 1 AND 2
AND EASTBROOK ESTATES PROJECTS TO CSA 41
Stockton, CA

Final March 22, 2022

Prepared for:

San Joaquin Local Agency Formation Commission
509 West Weber Avenue, Suite 420
Stockton, CA 95203

Prepared by:

BaseCamp Environmental, Inc.
802 West Lodi Avenue
Lodi, CA 95240
209-224-8213

1.0 INTRODUCTION

1.1 REVIEW SUMMARY

The Ligurian Village 1 and 2 and Eastbrook Estates projects are located east of Stockton in unincorporated San Joaquin County (County). Tentative Subdivision Maps for the three projects were approved in 2007 and 2009, subject to conditions of approval, after environmental review under CEQA was completed by the adoption of Initial Studies/Mitigated Negative Declarations for each of the projects. The CEQA statute of limitations for the project approvals (CEQA Guidelines Section 15112) has run its course.

The County's conditions of approval for the three subdivisions require annexation of the subdivisions to County Service Area (CSA) 41. CSA 41 provides street lighting and storm drainage for properties within the Area. The conditions of approval also require the subdivisions to be served by a public sewer system, specifically by the City of Stockton. An Out-of-Agency agreement from LAFCo is required for the City of Stockton to provide sewer service to the project as required by San Joaquin County conditions of approval. The property owners have made application to the San Joaquin Local Agency Formation Commission for approval of the annexation to CSA 41 and of the out-of-agency agreement with the City of Stockton for sewer service.

This document presents an analysis of the adequacy of County-adopted Negative Declarations for the approved Tentative Subdivision Maps for the proposed Ligurian Village 1 and 2 and Eastbrook Estates residential subdivisions. The three tentative subdivision maps propose the development of a total of 236 single-family residences on approximately 47 acres of land consisting of 11 existing parcels. The locations of the three projects are shown in Figures 1 and 2, and proposed development is shown in Figure 3.

The Negative Declarations were prepared by and adopted by the County prior to approval of the Tentative Subdivision Maps. The Negative Declarations for Ligurian Village 1 and Eastbrook Estates were adopted in 2007, and the Negative Declaration for Ligurian Village 2 was adopted in 2009.

The CEQA Environmental Checklist shown in CEQA Guidelines Appendix G was the template for the three Negative Declarations. Since adoption of the Negative Declarations, the Environmental Checklist has undergone several revisions. The current version of the Checklist includes questions for environmental issues not addressed in the 2007-2009 version of the Checklist. The current version of the Checklist contains a number of other revisions to the Checklist, including revised language and deletion of certain questions.

This review specifically evaluates the adequacy of the adopted Negative Declarations with respect to the set of the questions posed in the current CEQA Environmental

Checklist for the purpose of providing adequate CEQA review in connection with the processing of the LAFCo approval of the annexation request. Where the Negative Declarations do not directly address environmental issues in the current version of the Checklist, this review addresses these concerns using available information and analysis.

1.2 PROJECT DESCRIPTION

The project proposes the annexation to CSA 41 of three project sites for which tentative subdivision maps have been approved. The sites are currently within the land use planning jurisdiction of San Joaquin County and would remain under County jurisdiction after the proposed annexation. All three sites have a County General Plan designation of Low Density Residential and a zoning designation of R-L, Low Density Residential. These designations were in place when the tentative subdivision maps were originally approved; no General Plan amendment or rezoning was required in conjunction with tentative map approval.

The Ligurian Village 1 project proposes single-family residential development on approximately 19.9 acres of land adjacent to and east of Del Mar Avenue between East Main Street and Horner Avenue. The tentative subdivision map subdivides the land currently consisting of six parcels (APNs 159-100-07, -08, -09, -10, -11, and 159-400-25) into 114 single-family residential lots ranging in size from 5,000 to 8,713 square feet.

The Ligurian Village 2 project proposes single-family residential development on approximately 12.4 acres of land adjacent to and east of Walker Lane between East Main Street and the intersection of Walker Lane and Horner Avenue. The tentative subdivision map subdivides the land currently consisting of four parcels (APNs 159-110-25, -29, -30, and -31) into 53 single-family residential lots ranging in size from 5,000 to 13,718 square feet, along with a remainder parcel of approximately 85,383 square feet.

The Eastbrook Estates project proposes single-family residential development on approximately 14.7 acres of land adjacent to and west of Walker Lane between East Main Street and Horner Avenue. The proposed development is adjacent to and east of the proposed Ligurian Village 1 development. The tentative subdivision map subdivides the land currently consisting of one parcel (APN 159-100-12) into 69 single-family residential lots ranging in size from 5,000 to 9,196 square feet.

Development at all three sites would include frontage improvements along all existing public roads, along with full construction of internal streets and cul-de-sacs providing access to the residential lots. Utility lines would be installed to serve the proposed lots. Water service would be provided by California Water Service Company (Cal Water), and the water system serving the sites would be connected to existing Cal Water lines beneath East Main Street and Horner Avenue. Storm drainage lines would be installed at all three project sites.

As noted, sewer service would be provided by the City of Stockton, subject to the approval of an Out-of-Agency agreement by LAFCo. CSA 41 does not have its own sewer system. While CSA 41 includes the Tierra del Sol residential subdivision, where

residents pay for sewer service along with the other CSA services, these services are provided by the City of Stockton. New sewer lines serving the sites would be connected to an existing 18-inch diameter City sewer line beneath East Main Street.

As a condition of approval adopted by the County for all three projects, the project sites shall be annexed to CSA 41. CSA 41, established in 1987, is a County-dependent service district that provides maintenance services for storm drainage and street lighting. Its service area currently includes 147 properties in four locations east of Stockton. One of these locations, named Solari Ranch, is a four-parcel area located adjacent to and southwest of the project sites, at the intersection of East Main Street and Del Mar Avenue. An application for annexation to CSA 41 has been prepared and submitted to LAFCo; the Commission has approval authority over all annexations in San Joaquin County. LAFCo also approves all Out-of-Agency agreements.

1.3 Approach to the Project Analysis

The project's potential environmental effects, and the degree to which these effects are addressed in the adopted Negative Declarations, are evaluated in Chapter 2.0. The review is based on environmental impact considerations included in the most recently adopted Appendix G of the CEQA Guidelines. For each question, Chapter 2.0 determines whether the issue was addressed in the adopted Negative Declarations and whether the project would involve: 1) a Potentially Significant Impact, 2) a Less Than Significant Impact with Mitigation Incorporated, 3) a Less Than Significant Impact, or 4) No Impact, which are defined as follows:

A Potentially Significant Impact occurs when there is substantial evidence that the project would involve a substantial adverse change to the physical environment, i.e., that the environmental effect may be significant, and mitigation measures have not been defined that would reduce the impact to a less than significant level. If there is at least one Potentially Significant Impact identified, an EIR may be required.

An environmental effect that is Less Than Significant with Mitigation Incorporated is a Potentially Significant Impact that can be avoided or reduced to a level that is less than significant with the application of mitigation measures.

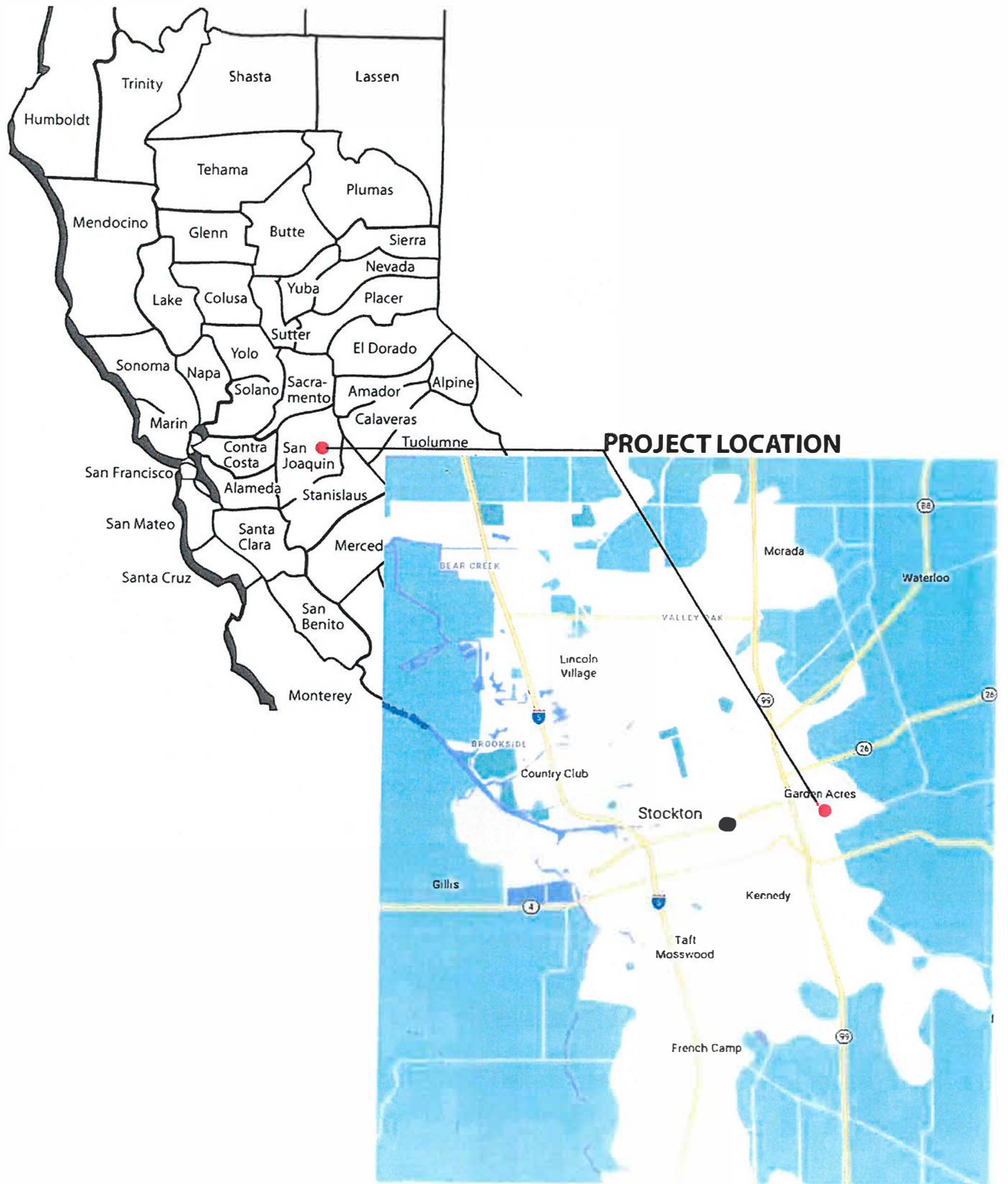
A Less Than Significant Impact occurs when the project would involve environmental effects but not a substantial adverse change to the physical environment. No mitigation measures would be required.

A determination of No Impact is self-explanatory.

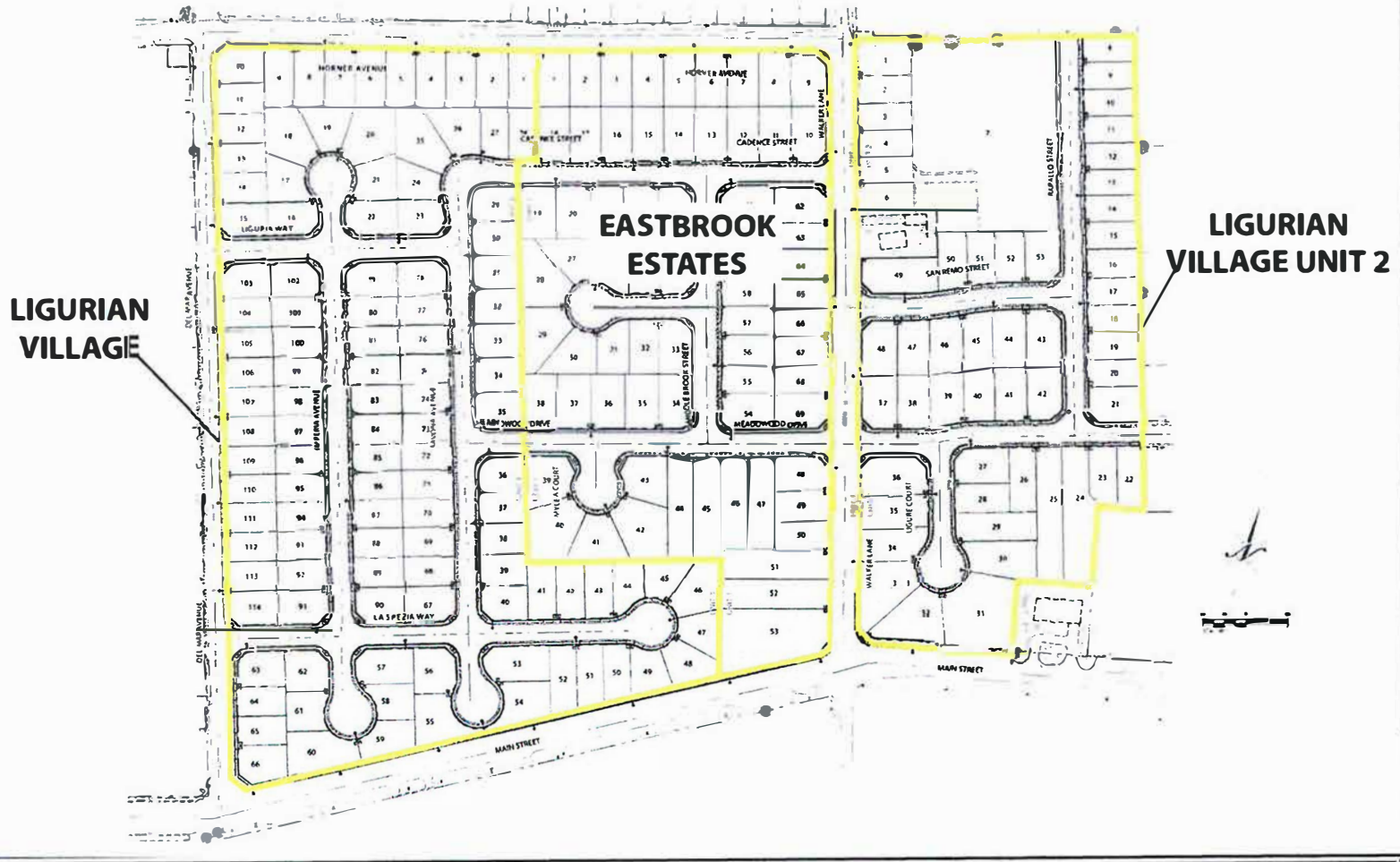
None of the Negative Declarations identified any mitigation measures that the projects would be required to implement. This review considers whether additional analysis beyond that presented in the Negative declarations is required, and, if new significant environmental effects are identified, what mitigation would be required. This review has not, however, identified additional significant environmental effects. Mitigation measures included in the adopted Negative Declarations are adequate to reduce the project's

potentially significant environmental effects to a less than significant level, and no new mitigation measures are required.

It should be noted that each of the three Negative Declarations address the same set of environmental issues, as these issues are common to the project type and the project area as a whole. The analysis conducted in this review applies to all three of the adopted Negative Declarations, unless otherwise specified.



SITE GEOMETRIC PLAN EXHIBIT
LIGURIAN ESTATES
SAN JOAQUIN COUNTY, CALIFORNIA



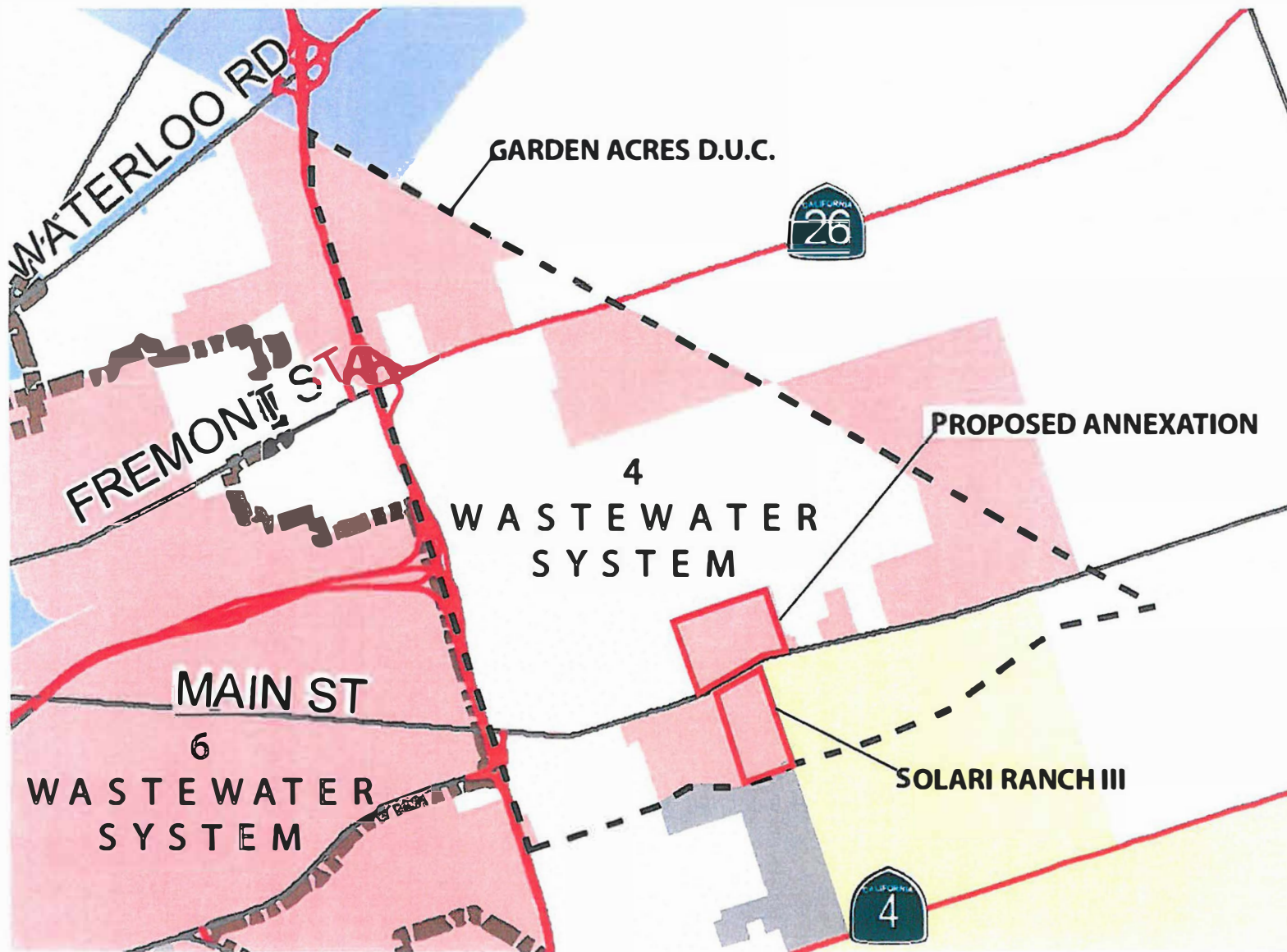


Figure 4
 WASTEWATER COLLECTION SYSTEMS & GARDEN ACRES
 DISADVANTAGED UNINCORPORATED COMMUNITY

2.0 ENVIRONMENTAL CHECKLIST

2.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				[X]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				[X]
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				[X]
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			[X]	

Environmental Impacts and Mitigation Measures

a) Scenic Vistas.

The Negative Declarations concluded that the projects would have no impact on scenic vistas, although they do not provide supporting information. The main scenic vistas in the area are the Sierra Nevada to the east and the Coast Ranges to the west. Existing urban development already partially obstructs these vistas, and development of these projects would not further obstruct such views given the existing development. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on scenic vistas.

b) Scenic Routes and Resources.

The Negative Declarations concluded that the projects would have no impact on scenic routes and resources, although they do not provide supporting information. According to the Caltrans list of designated scenic highways under the California Scenic Highway Program, there are only two officially designated state scenic highways within San Joaquin County: Interstate 5 (I-5) from the Stanislaus County Line to Interstate 580 (0.7 miles), and Interstate 580 from I-5 to the Alameda County Line (15.4 miles). Both are in southwestern San Joaquin County, away from the project area. The County has designated 26 local scenic highways, but none are in the project vicinity. The project area is flat and generally devoid of vegetation. There are no significant scenic resources such as groves and rock

outcroppings. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on scenic routes and resources.

c) Visual Character and Quality.

The Negative Declarations concluded that the projects would have no impact on visual character and quality, although they do not provide supporting information. The projects would convert existing vacant land into residential development. This development would be consistent with existing residential development in the vicinity. As noted in b) above, the project area does not have any scenic resources. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on visual character and quality.

d) Light and Glare.

The Negative Declarations concluded that the projects would have no impact on light and glare, although they do not provide supporting information. Project development would introduce street lighting, to be maintained by CSA 41 upon annexation, and lighting from residences that is currently lacking on the project area. This could increase lighting levels at nearby residences, which would be a potentially significant impact.

Section 9-1026.6 of the San Joaquin Code states that no use shall cause glare above 1.0 footcandles on an adjacent lot developed residentially, zoned for residential use, or shown as residential on the General Plan Map, or cause glare on a street or alley. Street lighting would be designed in conformance with County specifications and the "American National Standard Practice for Roadway Lighting" of the American Standards Institute. Conformance with these standards would minimize lighting impacts on nearby residences. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to light and glare, the impacts of the projects would be *Less Than Significant*, and no mitigation would be required.

2.2 AGRICULTURE AND FORESTRY RESOURCES

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			L	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				L
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code				L

Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

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		Small text box	

Environmental Impacts and Mitigation Measures

a) Agricultural Land Conversion.

The Negative Declarations concluded that the projects would have no impact on conversion of prime farmland, although they do not provide supporting information. All 47 acres of land in the project area are designated Farmland of Statewide Importance by the State’s Farmland Mapping and Monitoring Program.

As part of the annexation application process, an Agricultural Lands Conversion Statement was prepared under separate cover. However, the subject site is surrounded on three sides by residential development. The subject site was designated and zoned for residential use by the County prior to processing and approval of the subdivision maps. The probable conversion of these lands to residential uses was accounted for in the application of the existing general plan designations and zoning, and, therefore, County Agricultural Mitigation requirements (San Joaquin County Code Chapter 9-1080) do not apply to the project.

However, in acknowledgement of concerns related to agricultural land conversion, the project applicant has agreed to make a contribution of \$2,906.00 per acre of Farmland converted by the projects to urban use. This contribution would be made to a qualified land trust specializing in conservation of agricultural lands, such as the California Farmland Trust. This contribution, shown in Exhibit A attached to this document, shall be made a Condition of Approval of the annexation and shall be implemented after annexation approval and prior to certification of the LAFCo approval decision.

In addition, conditions of approval for all three subdivisions require participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The SJMSCP would require fee payments for conversion of agricultural lands to urban uses. Part of these payments would be used for programs to purchase or conserve agricultural lands for the purposes of preserving and enhancing habitat. Compliance with the SJMSCP, along with the recommended Condition of Approval, would compensate for the impact of agricultural land conversion on the subject site. Compensation is one of the definitions of mitigation in CEQA Guidelines Section 15370. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to farmland conversion, the impact of the projects on agricultural land conversion would be *Less Than Significant*, and no further mitigation is required.

b) Agricultural Zoning and Williamson Act.

The Negative Declarations do not discuss agricultural zoning or Williamson Act land impacts. However, as noted, the project area is zoned for low density residential use, not agricultural. None of the parcels in the project area is under a Williamson Act contract, according to County information. Therefore, this review concludes that the projects would have *No Impact* on agricultural zoning and Williamson Act contracts.

c, d) Forest Land Zoning and Forest Land Conversion.

The Negative Declarations do not discuss forest land zoning or forest land conversion, as these items were added to the CEQA Environmental Checklist after their adoption. The project area is not used, zoned, or otherwise designated for forestry use. Neither the project area nor the vicinity has forest land; therefore, no conversion of forest land would occur. The review concludes that the projects would have *No Impact* related to forest land zoning or conversion.

e) Indirect Conversion of Farmland and Forest Land.

The Negative Declarations do not discuss indirect conversion of farmland and forest land, as this item was added to the CEQA Environmental Checklist after their adoption. While some agricultural land is located south of the project area, the area itself is substantially surrounded by residential development. Infrastructure such as water, sewer, and storm drainage lines already exist, so the projects would not add any infrastructure that could encourage further development outside the project area. This review concludes that project impacts related to indirect conversion of Farmland would be *Less Than Significant*. As noted, questions on forest land were added to the CEQA Environmental Checklist after adoption of the Negative Declarations. There is no designated forest land in the project vicinity, so the project would have no impact related to indirect conversion of forest land.

2.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?			[X]	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			[X]	
c) Expose sensitive receptors to substantial pollutant concentrations?			[X]	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				[X]

Environmental Impacts and Mitigation Measures

a) Air Quality Plan Consistency.

The Negative Declarations concluded that the impacts of the projects on air quality would be less than significant. For each of the projects, a referral was made to the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD responded to the referrals without requiring or recommending any conditions, other than stating standard rules and regulations that all residential projects must follow.

At the time the Negative Declarations were adopted, the San Joaquin Valley Air Basin, within which the project is located, was determined to be in nonattainment of federal and State air quality standards for ozone, PM₁₀, and PM_{2.5}. Since their adoption, the Air Basin is now in attainment of the federal air quality standard for PM₁₀; however, the Air Basin is now designated “Extreme” nonattainment for the federal 8-hour ozone standard, as opposed to “Severe” at the time of adoption of the Negative Declarations. The Air Basin status for all other federal and State air quality standards for criteria pollutants has remained the same, either in attainment or unclassified.

Air pollutant emissions estimates from construction and operations of the project were generated using the CalEEMod computer modeling program, the program currently accepted by the SJVAPCD for CEQA analysis. The results of the analysis are provided in Table 2-1, along with the SJVAPCD thresholds to determine the significance of project emissions for CEQA purposes. Since adoption of the Negative Declarations, the SJVAPCD has adopted a revised Guide to Assessing and Mitigating Air Quality Impacts, which sets forth revised significance thresholds for project emissions of criteria pollutants. The revised thresholds are also provided in Table 2-1. Detailed air quality modeling results are shown in Appendix A of this report.

TABLE 2-1
SJVAPCD SIGNIFICANCE THRESHOLDS AND
ESTIMATED AIR POLLUTANT EMISSIONS

	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
SJVAPCD Significance Thresholds¹	10	10	100	27	15	15
Construction Emissions ²	1.44	2.62	2.40	1.10	1.22	0.68
<i>Above Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Operational Emissions ³	2.43	4.01	8.05	0.03	2.48	0.71
<i>Above Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

¹ Applicable to both construction and operational emissions. Figures in tons per year.

² Maximum ton emissions in a calendar year

³ Tons per year

Notes: ROG – reactive organic gases; NO_x – nitrogen oxide; CO – carbon monoxide; SO_x – sulfur oxide; PM₁₀ – particulate matter 10 microns in diameter; PM_{2.5} – particulate matter 2.5 microns in diameter

Sources: CalEEMod Version 2016 3.2, SJVAPCD 2015a.

As indicated in Table 2-1, construction and operational emissions would not exceed the SJVAPCD significance thresholds. Although project emissions would not exceed significance thresholds, the project would still be subject to SJVAPCD Rule 9510, which requires specified construction and operational emission reductions of NO_x and PM₁₀ from residential projects of 50 units or more. In addition, dust emissions would be reduced through the required implementation of SJVAPCD Regulation VIII, enforcement of which is the responsibility of the SJVAPCD. Conformance with plans and specifications is monitored by City building inspectors. Therefore, this review concurs with the adopted Negative Declarations that the impact of the projects on air quality would be *Less Than Significant*.

b) Cumulative Emissions.

The Negative Declarations concluded that the projects would have no cumulative impacts, which presumably includes impacts on air quality, although the documents do not provide supporting information. As indicated in Table 2-1 above, both project construction and operational emissions would not exceed the SJVAPCD significance thresholds established for criteria pollutants. The SJVAPCD significance thresholds were developed, in part, to ensure that project emissions did not interfere with the implementation of air quality management plans designed to ensure that the Air Basin meets federal and State air quality standards. Since the current CalEEMod results also indicate that project operations would not exceed ROG, NO_x, and particulate matter significance thresholds, the project would not have a potentially significant cumulative impact on ozone or particulate matter levels in the San Joaquin Valley Air Basin, which is in nonattainment status for both.

As project emissions would not exceed SJVAPCD significance thresholds, project development would not generate new or more severe air quality impacts that were not analyzed in the Stockton General Plan 2040 EIR. Based on this, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to air quality, the impacts of the projects related to cumulative emissions would be *Less Than Significant*, and no mitigation is required.

c) Exposure of Sensitive Receptors.

The Negative Declarations concluded that the projects would have no impact related to exposure of future project residents to significant pollution levels, although they do not provide supporting information. As indicated in Table 2-1 above, both project construction and operational emissions would not exceed the SJVAPCD significance thresholds established for criteria pollutants. Because of this, it is expected that neither existing residents in the vicinity nor occupants of residences constructed by the projects would be exposed to pollutant emissions from the project that would threaten human health.

The projects are in a residential area with no significant stationary sources of pollutants or toxic air contaminants (TACs) such as industrial activities. The nearest source of TACs is SR 99, which is approximately 0.7 miles to the west. The California Air Resources Board recommends avoiding the placement of sensitive land uses closer than 500 feet to a

freeway. Based on this recommendation, the projects would be at an adequate distance to avoid adverse impacts from exposure to emissions from SR 99.

In summary, sensitive receptors near the project area would not experience exposure to any pollutants that would have a significant adverse impact on health. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to exposure of sensitive land uses to pollutants, impacts would be *Less Than Significant*, and no mitigation is required.

d) Odors.

The Negative Declarations concluded that the projects would have no impact related to odors. The projects are residential in character, and residential land uses do not generate substantial and objectionable odors. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* related to odors.

2.4 BIOLOGICAL RESOURCES

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Adversely impact, either directly or through habitat modifications, any endangered, rare, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?				[E] [2] [4] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				[E] [2] [4] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				[E] [2] [4] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			[E] [2] [4] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				[E] [2] [4] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?				[E] [2] [4] [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]

Environmental Impacts and Mitigation Measures

a) Special-Status Species.

The Negative Declarations concluded that the projects would have no impact on special-status species. For each project, a review was conducted of the California Natural Diversity Database. In no case were any rare, threatened, or endangered species listed. The SJMSCP protected special-status species likely to occur in San Joaquin County. Participation in the SJMSCP was made a condition of approval for all three projects. Therefore, this review concurs with the adopted Negative Declarations that the projects would have *No Impact* on special-status species. See also d) below for potential impacts on nesting habitat for burrowing owl.

b) Riparian and Other Sensitive Habitats.

The Negative Declarations concluded that the projects would have no impact on habitats for plants or animals, including riparian areas. Riparian habitats exist along streams, and there are no streams on or near the project area. The project area has been disturbed by past agricultural activities, so no sensitive habitats are likely to exist. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on riparian and other sensitive habitats.

c) Wetlands and Waters of the U.S.

The Negative Declarations do not discuss wetlands, as this item was added to the CEQA Environmental Checklist after their adoption. A review of aerial photos of the project area and a check of the National Wetlands Inventory did not indicate the presence of any wetlands. Given past disturbance by agricultural activities, it is unlikely that any intact wetlands exist in the project area. Therefore, this review concludes that the projects would have *No Impact* on wetlands.

d) Fish and Wildlife Movement and Nursery Sites.

The Negative Declarations concluded that the projects would have no impact on habitats for plants or animals, including migration routes. As noted, there are no streams on or near the project area, and there are no significant stands of trees that may appeal to migratory birds. The vacant land could provide potential nesting habitat for the burrowing owl, a State Species of Concern present in the Stockton area. However, burrowing owl is one of the species covered by the SJMSCP, in which the projects would be required to participate as a condition of approval. Implementation of measures in the SJMSCP would reduce potential impacts on burrowing owl if any are nesting in the project area. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact on fish and wildlife movement and nursery sites, impacts would be *Less Than Significant*, and no mitigation is required.

e) Local Biological Requirements.

The Negative Declarations do not discuss local biological requirements, as this item was added to the CEQA Environmental Checklist after their adoption. The County has no biological resource ordinances or plans that are applicable to these projects. Therefore, this review concludes that the projects would have *No Impact* related to local biological requirements.

f) Conflict with Habitat Conservation Plans.

As noted in a) above, the Negative Declarations discuss participation in the SJMSCP. SJMSCP participation has been made a condition of approval for all three projects. As such, the projects would not conflict with the provisions and requirements of the SJMSCP. No other habitat conservation plans apply. This review concludes that the projects would have *No Impact* related to habitat conservation plans.

2.5 CULTURAL RESOURCES

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?				<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			<input checked="" type="checkbox"/>	
c) Disturb any human remains, including those interred outside of formal cemeteries?			<input checked="" type="checkbox"/>	

Environmental Impacts and Mitigation Measures

a) Historical Resources.

The Negative Declarations concluded that the projects would have no impact on historical resources, although they do not provide supporting information. A review of the Background Report of the updated San Joaquin County General Plan did not indicate the presence of any historical resources in the project area. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on historical resources.

b) Archaeological Resources.

The Negative Declarations concluded that the projects would have no impact on archaeological resources, although they do not provide supporting information. A review of the Background Report of the updated San Joaquin County General Plan did not indicate the presence of any archaeological resources in the project area. Given that the project area has been disturbed by past agricultural activity, it is unlikely that any intact archaeological resources exist within the project area.

However, it is conceivable that currently unknown archaeological resources may be encountered during construction activities. The San Joaquin County General Plan EIR (GPEIR), certified in 2016, addressed this issue and identified the following mitigation measure:

Mitigation Measure 4.E-3: The following new policy “Inadvertent Discovery of Cultural Resources,” in the 2035 General Plan would reduce impacts to accidentally discovered archaeological resources during ground disturbing activities in San Joaquin County.

NCR-6.10: Inadvertent Discovery of Cultural Resources. If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities in the county, all activities within 100 feet shall halt and the County shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that a project could damage a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the County. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

The requirements embodied in the County mitigation measure will be incorporated into the annexation project Conditions of Approval. Although the LAFCo will have no direct authority over project construction, LAFCo staff will notify County staff of this requirement and request it be attached to County approval of subdivision improvement plans.

Implementation of this GPEIR mitigation measure would reduce impacts on archaeological resources encountered during construction work to a level that would be less than significant. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact on archaeological resources, impacts would be *Less Than Significant*, and no additional mitigation is required. See Section 2.18 for a discussion of tribal cultural resources.

c) Human Burials.

The Negative Declarations do not discuss human burials, as this item was added to the CEQA Environmental Checklist after their adoption. Given that the project area has been disturbed by past agricultural and other activity, it is unlikely that any human burials would be encountered in the project area. However, it is conceivable that currently unknown burials may be encountered during construction activities. See Section 2.18 for a discussion of tribal cultural resources.

2.6 ENERGY

Would the project:

- a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			☐	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				☐

Since adoption of the Negative Declarations, the CEQA Environmental Checklist was revised to include questions related to energy consumption and conservation. This section discusses the energy questions added to the Environmental Checklist.

Electricity is a major energy source for residences and businesses in California. In San Joaquin County, based upon the most recent information available, electricity consumption in 2016 totaled approximately 5,457 million kilowatt-hours (kWh), of which approximately 3,698 million kWh were consumed by non-residential uses and the remainder by residential uses (CEC 2018a). In 2016, natural gas consumption in San Joaquin County totaled approximately 195 million therms, of which approximately 115 million therms were consumed by non-residential uses and the remainder by residential uses (CEC 2018b).

The State of California has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Code of Regulations, Title 24. Part 6 of Title 24 is referred to as the California Energy Code. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, or CALGreen, which became mandatory in 2011. CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, and interior environmental quality. It also mentions energy efficiency, although CALGreen defers to the Energy Code for actions. The County has adopted the 2019 version of CALGreen.

Environmental Impacts and Mitigation Measures

a) Project Energy Consumption.

The Negative Declarations concluded that the projects would have no impact related to use of fuel or energy or requirements for new sources of energy. No supporting information was provided. The projects would result in the development of 236 single-family residences, which would consume energy such as electricity and natural gas. Based on information from the U.S. Energy Information Administration (EIA 2015), these residences would use approximately 2.4 million kilowatt-hours of electricity and 124 million cubic feet of natural gas annually. All structures would be constructed in accordance with the State’s Title 24 Part 6 and with the 2019 CALGreen, which promotes energy efficiency in buildings.

Project construction would also consume energy, mainly equipment and vehicle fuels. Construction work for this project would not be different from work for similar projects; as such, it would be conducted such that there would be no known wasteful, inefficient, or unnecessary energy consumption. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact on energy use and consumption, impacts would be *Less Than Significant*, and no mitigation is required.

b) Consistency with Energy Plans.

The Negative Declarations do not discuss consistency with energy plans, as this item was added to the CEQA Environmental Checklist after their adoption. The County has not adopted any energy plans. As noted in a) above, project buildings would be constructed in accordance with Title 24 and the adopted CALGreen. This review concludes that the projects would have *No Impact* related to consistency with energy plans.

2.7 GEOLOGY AND SOILS

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
- ii) Strong seismic ground shaking?
- iii) Seismic-related ground failure, including liquefaction?
- iv) Landslides?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			L	
ii) Strong seismic ground shaking?			L	
iii) Seismic-related ground failure, including liquefaction?			L	
iv) Landslides?				L

- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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Environmental Impacts and Mitigation Measures

a-i, ii, iii) Seismic and Geological Hazards.

The Negative Declarations concluded that the projects would have no impacts related to geological hazards, although they do not provide supporting information. There are no active earthquake faults in or near the project area is not within a designated Alquist-Priolo Earthquake Fault Zone. San Joaquin County is subject to ground shaking from active faults located outside the county. The project must comply with the 2019 California Building Code adopted by the County. The Building Code contains requirements that address likely ground shaking hazards that may occur in the project area.

San Joaquin County Code Section 9-905.11 requires a geotechnical report for subdivision maps. Geotechnical reports are intended to identify geological hazard issues such as slope instability, subsidence, and seismic hazards. A geotechnical report was submitted for a portion of the project area in 2007, and no hazards were apparently identified.

In summary, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to seismic and geological hazards, impacts would be *Less Than Significant*, and no mitigation is required.

a-iv) Landslides.

The Negative Declarations do not discuss landslide hazards, as this item was added to the CEQA Environmental Checklist after their adoption. The topography of the project area and vicinity is essentially flat; there are no steep slopes potentially prone to landslides in the vicinity. Because of this, the project area is unlikely to experience any landslides. This review concludes that the projects would have *No Impact* related to landslides.

b) Soil Erosion.

The Negative Declarations concluded that the projects would have no impacts related to soil conditions such as erosion, although they do not provide supporting information. Potential soil erosion from construction activities would be minimized by compliance with the County Code provisions on grading and excavation (County Code Title 9, Division 14), and no erosion would occur after project completion.

The project would require a Construction General Permit from the SWRCB. As part of permit conditions, a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a Qualified SWPPP Developer. The SWPPP would include implementation of Best Management Practices (BMPs) to avoid or minimize adverse water quality impacts from erosion and sedimentation. BMPs fall within the categories of Temporary Soil Stabilization, Temporary Sediment Control, Wind Erosion Control, Tracking Control, Non-Storm Water Management, and Waste Management and Materials Pollution Control.

The project area is within the permitted area of the City of Stockton's Storm Water Management Plan (SWMP). The SWMP requires implementation of construction BMPs for erosion control, including limitations on disturbance and temporary soil stabilization by using mulch, seeding, soil stabilizers, and fiber rolls and blankets. Additionally, as part of their conditions of approval, all three subdivisions shall submit a grading plan in accordance with provisions of the California Building Code. With this additional information, this review concurs with the adopted Negative Declarations that the projects would have *No Impact* related to soil erosion.

c) Unstable Soils.

The Negative Declarations concluded that the projects would have no impacts related to soil conditions, although they do not provide supporting information. As noted in a) above, San Joaquin County Code Section 9-905.10 require a soils report for subdivision maps. A soils report is intended to identify any soil issues that could affect construction, such as expansive soils. Soils reports were apparently submitted for all three projects, and no issues were apparently identified. All development would be required to comply with the 2019 California Building Code. With this additional information, this review concurs with the adopted Negative Declarations that the projects would have *No Impact* related to unstable soils.

d) Expansive Soils.

The Negative Declarations concluded that the projects would have no impacts related to soil conditions, although they do not provide supporting information. A custom soil survey of the project area indicates the potential presence of expansive soils. As noted in a) above, San Joaquin County Code Section 9-905.10 require a soils report for subdivision maps. A soils report is intended to identify any soil issues that could affect construction, such as expansive soils. Soils reports were apparently submitted for all three projects, and no issues were apparently identified. Compliance with all County building standards and practices, as well as application of the existing regulations identified in the adopted California Building Code, would minimize the impact. Therefore, while this review does not concur

with the conclusions of the Negative Declarations that there would be no impact related to expansive soils, impacts would be *Less Than Significant*, and no mitigation is required.

e) Adequacy of Soils for Wastewater Disposal.

The Negative Declarations concluded that the projects would have no impacts related to soil conditions such as septic tank limitations. The projects would connect to the City's sewer system and would not use septic tanks. This review concurs with the Negative Declarations that the projects would have *No Impact* related to adequacy of soils for wastewater disposal.

f) Paleontological Resources.

The Negative Declarations do not discuss paleontological resources, as this item was added to the CEQA Environmental Checklist after their adoption. The Stockton General Plan EIR (2018) states that of all the paleontological resources recorded in San Joaquin County, only a few have been recorded in the Stockton area, which includes the project area. Given that the project area has been disturbed by past agricultural and other activity, it is unlikely that any such resources would be encountered in the project area.

However, it is conceivable that currently unknown burials may be encountered during construction activities. The San Joaquin County General Plan EIR (GPEIR), certified in 2016, addressed this issue and identified the following mitigation measure:

Mitigation Measure 4.E-4: The following revision to NCR-6.5 "Protect Archaeological and Historical Resources," in the 2035 General Plan would reduce impacts to paleontological resources from issuance of any discretionary permit or approval in San Joaquin County.

NCR-6.5: Protect Archaeological, Paleontological, and Historical Resources. The County shall protect significant archaeological, paleontological, and historical resources by requiring a cultural resources report be prepared by a qualified cultural resource specialist prior to the issuance of any discretionary permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts or paleontological resources that could be disturbed by project construction. The County shall require feasible mitigation identified in the report, such as avoidance, testing, or data recovery efforts, to be implemented.

Implementation of this GPEIR mitigation measure would reduce impacts on paleontological resources encountered during construction work to a level that would be less than significant. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact on paleontological resources, impacts would be *Less Than Significant*, and no additional mitigation is required.

2.8 GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<input type="checkbox"/>	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			<input type="checkbox"/>	

Environmental Setting

The Negative Declarations only analyzed greenhouse gas (GHG) emission impacts briefly in the Air section, and only in reference to changes in climate. Since adoption of the Negative Declarations, the following actions have occurred:

- In 2014, the ARB approved the First Update to the Scoping Plan, adopted per AB 32. The 2014 Update lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to the 2050 target set forth in Executive Order S-3-05. It recommends actions in nine sectors: energy, transportation, agriculture, water, waste management, natural and working lands, short-lived climate pollutants, green buildings, and the cap-and-trade program (ARB 2014).
- In 2015, Governor Brown signed Executive Order B-30-15, which advanced the goals of Executive Order S-3-05 by establishing a GHG reduction target of 40% below 1990 emission levels by 2030.
- In 2016, the State enacted SB 32, which codified the goals in Executive Order B-30-15 of reducing GHG emissions to 40% below 1990 emission levels by 2030.
- In 2017, ARB adopted an updated Scoping Plan that sets forth strategies for achieving the SB 32 target. The updated Scoping Plan continues many of the programs that were part of the previous Scoping Plan, including the cap-and-trade program, low-carbon fuel standards, renewable energy, and methane reduction strategies. It also addresses for the first time GHG emissions from the natural and working lands of California, including the agriculture and forestry sectors (ARB 2017).

Environmental Impacts and Mitigation Measures

a) Project GHG Emissions.

Neither the County nor SJVAPCD has established quantitative significance thresholds for GHG emissions, although the SJVAPCD recommends a 29% reduction from business-as-usual GHG levels for project operational emissions, consistent with AB 32. However, a threshold can be developed based on information contained in the Climate Action Plan (CAP) prepared by the City of Stockton. The Stockton CAP determined that approximately 83% of the GHG reductions targeted by the City would be accomplished by statewide measures, while 17% would be accomplished by local measures. Based on these percentages, local measures would contribute approximately 5% of the 29% GHG reduction recommendation by SJVAPCD. For the purposes of this analysis, a project that can attain at least a 5% reduction in GHG emissions from business-as-usual levels would have impacts on GHG reduction plans that would be less than significant.

Based on results from the recent CalEEMod run conducted for the project (see Appendix), maximum project construction GHG emissions for a calendar year for the proposed projects would be approximately 457 metric tons CO_{2e} for an assumed construction period of approximately four years.

Construction emissions would occur only during construction work and would cease once work is completed. Implementation of rules described in the Air Quality section that are designed to reduce construction air pollutant emissions is also expected to reduce incrementally the amount of GHGs generated by project construction. Also, the ARB has implemented the Regulation for In-Use Off-Road Diesel Fueled Fleets, which applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). Compliance with the Off-Road Regulation would lead to an incidental reduction in GHG emissions, though the amount of this reduction cannot be determined. Given the temporary nature of construction emissions, along with the rules and regulations that would be implemented, GHG construction emissions would have an impact considered less than significant.

Project operational GHG emissions, mainly from vehicle use, are estimated to generate approximately 3,863 metric tons CO_{2e} annually without mitigation. The CalEEMod run incorporated measures that mitigate GHG emissions based on the following conditions:

- The project would construct sidewalks that would become part of an existing sidewalk network in the vicinity.
- Transit stops, specifically bus stops, are located nearby.
- The project area is approximately 3.5 miles from downtown Stockton.
- In accordance with SBX7-7, the project would implement water conservation measures that lead to a 20% reduction in indoor and outdoor water use.
- In accordance with AB 341, the project would divert 75% of its solid waste stream through recycling and other measures.

With incorporation of these measures, estimated operational GHG emissions would be reduced to approximately 3,587 metric tons CO₂e annually, an approximately 7.1% reduction in GHG emissions from unmitigated levels. As noted, a project that can show GHG reductions greater than 5% from the business-as-usual (unmitigated) level can be said to be consistent with the State's and SJVAPCD's GHG reduction plans for 2020. Therefore, this reduction would be consistent with the goals of these plans. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to GHG emissions, impacts would be *Less Than Significant*, and no mitigation is required.

b) Consistency with GHG Reduction Plans.

As noted in a) above, GHG operational emissions from the projects would meet State and SJVAPCD reduction goals for 2020 with incorporation of features that would reduce emissions. Per SB 32, the State has set a 2030 reduction target of 40% below 1990 GHG emission levels. Based on information in the Stockton CAP, the 2030 percentage reduction from business-as-usual levels that would be required in 2030 would be approximately 64.5%. Based on estimates in the 2017 Scoping Plan, State actions would account for 89.8% of GHG reductions needed by 2030, with local actions accounting for approximately 9.3% of reductions. Applying this ratio to the percentage reduction for 2030, then approximately 6.0% of the reduction from 2030 business-as-usual levels would be achieved by local measures. A project that can show GHG reductions greater than 6.0% can be said to be consistent with the reduction goals of SB 32. Mitigated project GHG operational emissions would exceed this percentage. Therefore, the project would be consistent with the reduction goals of SB 32.

Based on the analysis presented in this section, the project would be consistent with the reduction goals of the State and SJVAPCD. Project impacts related to GHG reduction plans would be *Less Than Significant*.

2.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			LTS	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			LTS	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				LTS
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government				LTS

Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

			7.4 1.1 1.2 1.3 1.4 1.5 1.6 1.7 1.8 1.9 2.0 2.1 2.2 2.3 2.4 2.5 2.6 2.7 2.8 2.9 3.0 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 4.0 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.8 4.9 5.0 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 5.9 6.0 6.1 6.2 6.3 6.4 6.5 6.6 6.7 6.8 6.9 7.0 7.1 7.2 7.3 7.4 7.5 7.6 7.7 7.8 7.9 8.0 8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 9.0 9.1 9.2 9.3 9.4 9.5 9.6 9.7 9.8 9.9 10.0
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Environmental Impacts and Mitigation Measures

a) Hazardous Materials Transportation, Use, and Disposal.

The Negative Declarations concluded that the projects would have no impacts related to geological hazards, although they do not provide supporting information. The proposed projects are residential projects; as such, hazardous materials that would be used are mainly household and yard/garden products, which would be used in limited quantities. The transport, use, and disposal of any significant quantity of hazardous materials would be subject to various federal, State, and local regulations that would minimize impacts. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* related to hazardous materials transportation, use and disposal.

b) Release of Hazardous Materials by Upset or Accident.

The Negative Declarations concluded that the projects would have no impacts related to release of hazardous materials, although they do not provide supporting information. As noted in a) above, use of hazardous materials is anticipated to be limited and not a significant threat to the environment. Construction activities on the project area may involve the use of hazardous materials such as fuels and solvents, and thus create a potential for hazardous material spills. Construction and maintenance vehicles would transport and use fuels in ordinary quantities. Fuel spills, if any occur, would be minimal and localized and would not typically have significant adverse effects. Potential hazardous materials spills during construction are addressed in the required SWPPP, described in Section 2.7, Geology and Soils.

A Phase I/Limited Phase II Environmental Site Assessment was conducted for the project area. The Environmental Site Assessment sought to identify any “recognized environmental conditions,” including potential sources of contamination, within the project area. The Environmental Site Assessment noted that the age of the onsite residences that would likely be demolished may indicate the presence of asbestos-containing materials and lead-based paints. Demolition could release these substances into the local environment.

Prior to any demolition work, a demolition permit must be obtained from the County. One of the requirements of the demolition permit is approval from the SJVAPCD. The County building official must receive a Demolition Permit Release Form from the SJVAPCD prior to issuing the demolition permit. The form certifies that the demolition complies with the requirements of the National Emissions Standards for Hazardous Air Pollutants (NESHAP), which govern asbestos removal. SJVAPCD Rule 4002 follows the NESHAP standards. Therefore, demolition work associated with the projects would be required to comply with NESHAP and Rule 4002, which would minimize releases of asbestos into the environment.

Lead-based paint removal is governed by the California Code of Regulations, Title 17, Division 1, Chapter 8, § 35001 – 36100. This requires that work on any structure built before January 1, 1978 must use lead-safe work practices, including containment and cleaning the work area after the project is completed. The regulations also cover accreditation of training providers and certification of individuals to perform lead abatement and sets work practice standards for lead hazard evaluations and the abatement of lead hazards.

Compliance with these rules and regulations would minimize the potential impact of release of hazardous materials, specifically asbestos and lead-based paints, into the environment. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to hazardous material releases, impacts would be *Less Than Significant*, and no mitigation is required.

c) Release of Hazardous Materials near Schools.

The Negative Declarations do not discuss hazardous material releases near schools, as this item was added to the CEQA Environmental Checklist after their adoption. The eastern portion of the project area is within one-quarter mile of Elmwood Elementary School. However, as noted in a) above, the use of hazardous materials within the project area would be limited to household and yard/garden products. No large amounts of hazardous materials would be stored within the project area. As such, release of any hazardous materials within the project area would not affect Elmwood Elementary School. This review concludes that the projects would have *No Impact* related to release of hazardous materials near schools.

d) Hazardous Materials Sites.

The Negative Declarations concluded that the projects would have no impacts related to the presence of hazardous materials, although they do not provide supporting information. A Phase I/Limited Phase II Environmental Site Assessment was conducted for the project area. The Environmental Site Assessment sought to identify any “recognized environmental conditions,” including contamination sites, within the project area. The conclusion reached by the Environmental Site Assessment was that there were no recognized environmental conditions within the project area. The project area was used for agriculture, but no agricultural chemicals were detected in the soil at concentrations that would be a hazard to human health. This review concurs with the adopted Negative Declarations that the project would have *No Impact* related to hazardous material sites.

e) Airport Hazards.

The Negative Declarations concluded that the projects would have no impacts related to interfering with an airport flight path, although they do not provide supporting information. The project area is approximately four miles north of the Stockton Metropolitan Airport, the nearest public airport. The Airport Land Use Compatibility Plan for the airport outlines land use compatibility zones, based on safety zones delineated in accordance with federal regulations. Projects within the Airport Influence Area established by the plan would require review by the Airport Land Use Commission for compatibility with airport operations. The project area is outside the Airport Influence Area for Stockton Metropolitan Airport, so no review would be required. This review concludes that the projects would have *No Impact* related to airport hazards.



f) Emergency Response and Evacuation.

The Negative Declarations concluded that the projects would have no impacts related to interfering with emergency plans, although they do not provide supporting information. Project construction work would mostly occur on the parcels, with work on adjacent roads limited to roadway frontage improvements and connection to utility lines. Such work is not expected to require closure or any major restriction on public use of the roads, so project construction is not expected to substantially obstruct emergency vehicles or any evacuation activity that may be required in the area. Once construction work is completed, the project would not obstruct any roadways. This review concurs with the adopted Negative Declarations that the project would have *No Impact* related to related to emergency response and evacuation.

g) Wildland Fire Hazards.

The Negative Declarations do not discuss wildland fire hazards, as this item was added to the CEQA Environmental Checklist after their adoption. The project area is in a substantially developed area with few open spaces prone to wildfire. The one open space is the project area, which would be developed. Hazard maps prepared by the California Division of Forestry and Fire Protection do not indicate any wildfire hazard in the vicinity. This review concludes that the projects would have *No Impact* related to airport hazards. Section 2.20, Wildfire, expands on the analysis of impacts related to wildfires.

2.10 HYDROLOGY AND WATER QUALITY

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				 1 2 3 4 5 6 7 8 9 10
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project			 1 2 3 4 5 6 7 8 9 10	

may impede sustainable groundwater management of the basin?

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c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i) Result in substantial erosion or siltation on- or off-site?
- ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- iv) Impede or redirect flood flows?

		<input type="checkbox"/>	
		<input type="checkbox"/>	
		<input type="checkbox"/>	
			<input type="checkbox"/>
		<input type="checkbox"/>	
			<input type="checkbox"/>

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Environmental Impacts and Mitigation Measures

a) Violation of Water Quality Standards.

The Negative Declarations concluded that the projects would have no impacts on surface water quality, although they do not provide supporting information. There are no streams or other bodies of water currently in or near the project area. As noted in Section 2.7, Geology and Soils, project construction would require a Construction General Permit, a condition of which would be preparation of a SWPPP. Implementation of the SWPPP would avoid or minimize adverse water quality impacts from erosion and sedimentation. This review concurs with the adopted Negative Declarations that the project would have *No Impact* on surface water quality.

b) Groundwater Supplies and Recharge.

The Negative Declarations concluded that the projects would have no impacts on groundwater quality, although they do not provide supporting information. Project development would obtain water from Cal Water, a private utility. No individual wells would be drilled. Cal Water obtains approximately 22% of its water supply for its Stockton service area from groundwater; therefore, the increase in water demand by project development would not substantially increase demand on groundwater supplies.

Development would add impervious surfaces that would reduce recharge area. However, lawn and garden areas would allow for recharge, and the loss of recharge area would be

small compared to the total acres in the groundwater basin, which covers most of eastern San Joaquin County. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact on groundwater, impacts would be *Less Than Significant*, and no mitigation is required.

c-i, -ii) Drainage Patterns – Erosion, Siltation, and Flooding.

The Negative Declarations concluded that the projects would have no impacts on alterations to drainage patterns, although they do not provide supporting information. Existing drainage patterns in the project area would be altered by project development. However, the storm drainage system proposed to be installed would collect drainage, thereby avoiding potential offsite flooding or erosion. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact on drainage patterns, impacts would be *Less Than Significant*, and no mitigation is required.

c-iii) Runoff.

The Negative Declarations concluded that the projects would have no impacts on alterations to surface, channel, or stream volumes, although they do not provide supporting information. As noted in b) above, project development would add impervious surfaces, which would generate more runoff than what is currently generated in the undeveloped project area. However, as noted in c-i, -ii) above, project development would install a storm drainage system that would collect runoff and send it to CSA 41's storm water system.

Runoff from residential may contain contaminants consisting of yard/garden products and motor vehicle fluids. The project area, along with the City of Stockton and adjacent unincorporated areas, is subject to a Storm Water Management Program (SWMP). The SWMP provides a comprehensive approach for addressing pollutants in stormwater discharges, including Best Management Practices (BMPs) and performance standards for new development. Compliance with the SWMP would reduce the amount of contaminants in runoff.

In summary, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact on runoff, impacts would be *Less Than Significant*, and no mitigation is required.

c-iv) Flood Flows.

The Negative Declarations concluded that the projects would have no impacts related to flood hazards, although they do not provide supporting information. According to a map prepared by FEMA, the project area is outside the Special Flood Hazard Area, which generally means the 100-year floodplain.

In 2007, the State of California approved a series of related Senate and Assembly bills, referred to collectively as SB 5, that establishes the State standard for flood protection in urban areas in the Central Valley as protection from the 200-year flood. According to the adopted Stockton General Plan, the Planning Area for which includes the project area, the project area is not within a 200-year flood zone with which SB 5 is concerned. With this

additional information, this review concurs with the adopted Negative Declarations that the project would have *No Impact* on flood flows.

d) Release of Pollutants in Flood Zone.

The Negative Declarations concluded that the projects would have no impacts related to flood hazards, although they do not provide supporting information. As noted in c-iv) above, the project area is not within a flood area. The Stockton General Plan indicates that the project area is within the dam inundation areas of Camanche Dam and New Hogan Dam. However, dam failures are a rare occurrence, and as discussed in Section 2.9, Hazards and Hazardous Materials, no hazardous materials of substantial quantities would be within the project area. The project area is not located near a body of water where seiches or tsunamis may occur. Based on this information, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to release of pollutants during flooding, impacts would be *Less Than Significant*, and no mitigation is required.

e) Conflict with Water Quality or Sustainable Groundwater Plans.

The Negative Declarations do not discuss conflicts with water quality or sustainable groundwater plans, as this item was added to the CEQA Environmental Checklist after their adoption. The project would be required to comply with water quality provisions in the City's Storm Water Management Program, including post-construction BMPs. These provisions are designed to ensure the Stockton area complies with the conditions of its NPDES MS4 permit. In turn, compliance with the permit conditions would ensure consistency with the water quality objectives and standards of the Basin Plan.

Since adoption of the Negative Declarations, the State enacted the Sustainable Groundwater Management Act in 2014. This act requires the creation of local Groundwater Sustainability Agencies, each of which must prepare and adopt a Groundwater Sustainability Plan to ensure sustainable groundwater yields and prevent groundwater depletion in the agency's jurisdiction. In 2017, the County chose to join the Eastern San Joaquin Groundwater Joint Powers Authority, which adopted a Groundwater Sustainability Plan in November 2019. As noted in b) above, the project would not have a significant impact on groundwater supplies.

Based on this information, this review concludes that the projects would have *No Impact* related to conflict with water quality or sustainable groundwater plans.

2.11 LAND USE AND PLANNING

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				1
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			1	

Environmental Impacts and Mitigation Measures

a) Division of Established Communities.

The Negative Declarations do not discuss divisions of established communities, as this item was added to the CEQA Environmental Checklist after their adoption. The projects propose residential development in a predominantly residential area; therefore, the development would be consistent with the existing community. This review concludes that the projects would have *No Impact* on division of established communities.

b) Conflict with Applicable Plans, Policies and Regulations Avoiding or Mitigating Environmental Effects.

The Negative Declarations concluded that the projects would have no impacts related to conflicts with existing or planned uses or conflict with adopted land use plans. All note that the projects are permitted in the Low Density Residential zone with an approved subdivision application. All projects meet, or propose to meet, requirements for public water and sewer services and for terminal drainage. The projects propose to meet terminal drainage requirements with the proposed annexation to CSA 41. The review concurs with these findings in the adopted Negative Declarations, and it notes that the proposed projects are consistent with the County General Plan designation of Low Density Residential for the project area.

As discussed in Section 2.2, Agriculture and Forestry Resources, the projects would result in the conversion of approximately 47 acres of land designated Farmland of Statewide Importance; these lands are held in a total of 11 different ownerships. Conversion of these lands have some potential to conflict with County General Plan policies that seek to limit conversion of agricultural lands, along with the intent of County Code Chapter 9-1080. However, the project lands are not in agricultural use and are surrounded on two sides by existing urban residential neighborhoods; urban residential development has occurred along the portions of the east and south boundaries of the annexation area. The annexation and surrounding lands are designated for urban residential use by both the County and the nearby City of Stockton. The project lands do not appear to have been in intensive agricultural use in recent years, and continued commercial agricultural activities in the project area, if still feasible, will become less so as surrounding lands are developed for their intended urban uses. Continued agricultural use would be increasingly constrained by

conflict with the urban uses as to issues such as noise, dust, and agricultural chemical applications. The project area is in a disadvantaged community, and continued agricultural activities may contribute to existing pesticide, dust and other environmental burdens experienced by residents in the area. Disadvantaged communities are discussed in more detail below.

Since adoption of the Negative Declarations, the State has enacted legislation that seeks to address the adverse environmental impacts of projects that disproportionately affect minority and/or lower income communities, particularly those already burdened with environmental problems. The California Office of Environmental Health Hazard Assessment has developed the California Communities Environmental Health Screening Tool (CalEnviroScreen) to identify “environmental justice” or “disadvantaged” communities. CalEnviroScreen measures pollution and population characteristics using 20 indicators such as air and drinking water quality, waste sites, toxic emissions, asthma rates, and poverty. It applies a formula to each U.S. Census tract in California to generate a score that rates the level of cumulative impacts on each area. A census tract that scores in the top 25% is considered a disadvantaged community. While environmental justice is not a CEQA issue *per se*, the State has been active recently in promoting awareness of the potential environmental justice impacts of projects. Therefore, discussion regarding environmental justice is presented here for informational purposes.

According to CalEnviroScreen, the score for Census Tract 6077002702, within which the project area is located, is within the top 25% of areas subject to disadvantaged community indicators. The proposed development of the project area is, however, residential, which is not expected to contribute to the existing pollution burden. Moreover, the projects would potentially provide housing opportunities for lower income households that otherwise may not be able to obtain housing in other more affluent areas. The project also is not expected to have adverse impacts regarding availability of sewer service to a disadvantaged urban community, as discussed in the Utilities and Service Systems section. The project would not have significant environmental justice impacts.

Overall, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to conflicts with land uses or land use plans, impacts would be *Less Than Significant*, and no mitigation is required.

2.12 MINERAL RESOURCES

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				2
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				2

Environmental Impacts and Mitigation Measures

a, b) Loss of Availability of Mineral Resources.

Although mineral resources are not explicitly identified, the Negative Declarations concluded that the projects would have no impacts on the extraction, conservation, or depletion of a natural resource, although they do not provide supporting information. Neither the County General Plan nor the Stockton General Plan identify any mineral resource areas on or near the project area, including oil or natural gas wells. This review concurs with the Negative Declarations that the projects would have *No Impact* on mineral resources.

2.13 NOISE

Would the project result in:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			☐	
b) Generation of excessive groundborne vibration or groundborne noise levels?			☐	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				☐

Environmental Impacts and Mitigation Measures

a) Noise Exceeding Local Standards.

The Negative Declarations concluded that the projects would have no impacts related to generation of noise at high levels. The Negative Declarations focus on exposure of people to high levels of noise, rather than the noise potentially generated by the projects. Noise most likely to be generated by the projects would be vehicle traffic. While no impacts specific to project traffic were described, all the Negative Declarations noted that portions of their project sites along the southern boundary (East Main Street) were within an existing 65-dB noise contour. Noise studies for each project were conducted, and conditions of approval were attached to each project based on these noise studies. For all three projects, a sound wall six feet in height must be installed along East Main Street. Additionally, for the Eastbrook Estates project, all residential lots fronting East Main Street and Walker Lane shall be air conditioned, to allow residents to keep their units closed and thereby reduce interior noise to levels consistent with County standards.

The conditions of approval are expected to reduce noise levels on the proposed residences such that they do not exceed County standards for exterior (65 dB) and interior (45 dB) noise. Overall, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to noise levels, impacts would be *Less Than Significant*, and no mitigation is required.

b) Groundborne Vibration.

The Negative Declarations concluded that the projects would have no impacts related to increased vibration levels, although they do not provide supporting information. Construction equipment may generate groundborne vibrations that could affect nearby sensitive land uses. However, only one sensitive land use – a residence along Walker Lane – would possibly be affected, and vibrations would cease once construction work is completed. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to vibration levels, impacts would be *Less Than Significant*, and no mitigation is required.

c) Exposure to Airport/Airstrip Noise.

The Negative Declarations do not discuss airport or airstrip noise, as this item was added to the CEQA Environmental Checklist after their adoption. As noted in Section 2.9, Hazards and Hazardous Materials, the project area is approximately four miles north of the Stockton Metropolitan Airport. The project area is outside the outermost noise contour (60 dB) delineated by the Airport Land Use Compatibility Plan. There are no private airstrips in the project area vicinity. This review concludes that the projects would have *No Impact* related to airport or airstrip noise.

2.14 POPULATION AND HOUSING

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				2
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				2

Environmental Impacts and Mitigation Measures

a) Unplanned Population Growth.

The Negative Declarations do not discuss unplanned population growth, as this item was added to the CEQA Environmental Checklist after their adoption. The projects propose residential development, which would directly induce population growth. However, this

development would be consistent with the Low Density Residential designation under the County General Plan and with existing County zoning for the same. As such, the any population growth associated with the projects would be consistent with the projections of future population growth in the County General Plan. This review concludes that the projects would have *No Impact* related to unplanned population growth.

b) Displacement of Housing and People.

The Negative Declarations concluded that the projects would have no impacts related to increased vibration levels, although they do not provide supporting information. There are only two residences within the project area that would be demolished by proposed development. However, 236 units would be constructed in their place, so housing would be available within the project area. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on displacement of housing or people.

2.15 PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- i) Fire protection?
- ii) Police protection?
- iii) Schools?
- iv) Parks?
- v) Other public facilities?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
i) Fire protection?			☑	
ii) Police protection?			☑	
iii) Schools?			☑	
iv) Parks?			☑	
v) Other public facilities?				☑

Environmental Impacts and Mitigation Measures

a-i) Fire Protection.

The Negative Declarations concluded that the projects would have no impacts related to new or expanded fire protection facilities, although they do not provide supporting information. The project area is currently served by the Eastside Rural County Fire Protection District and would continue to be so after the proposed annexation.

The Eastside Fire District currently contracts with the City of Stockton for fire protection services. The City of Stockton currently maintains a fire station on 4040 East Main Street, which is within the Eastside Fire District boundaries and is approximately one-half mile from the project area. Therefore, no new facilities need to be constructed as part of development of the project area. The Stockton Municipal Service Review indicates that the

main concern of the Fire Department is to maintain adequate response times consistent with the City's General Plan standards. Given the location of the East Main Street fire station, it is expected that the Fire Department would maintain adequate response times to service calls from the project area.

The Eastside Fire District receives revenues to pay for its contract with the City of Stockton through property taxes and a special assessment. The special assessment was due to expire in 2011; however, District voters approved continuation of the benefit assessment in 2010. New development within the project area would pay this special assessment, as well as contribute property taxes that support the Eastside Fire District.

In summary, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to fire protection facilities, impacts would be *Less Than Significant*, and no mitigation is required.

a-ii) Police Protection.

The Negative Declarations concluded that the projects would have no impacts related to new or expanded police protection facilities, although they do not provide supporting information. The project area is currently served by the San Joaquin County Sheriff's Department and would continue to be so after the proposed annexation.

It is anticipated that the additional number of residents on the project area may lead to increased calls for service, and the potential need for new or expanded facilities to deliver service. The County General Plan EIR, certified in 2016, anticipated an increased demand for services throughout the unincorporated County and stated that implementation of County General Plan policies would ensure that adequate police services are provided. Additionally, project development would continue to pay property taxes that would support the Sheriff's Department. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to police protection facilities, impacts would be *Less Than Significant*, and no mitigation is required.

a-iii) Schools.

The Negative Declarations concluded that the projects would have no impacts related to new or expanded police protection facilities, although they do not provide supporting information. Development within the project area would likely generate a population of students from kindergarten to 12th grade that would attend schools operated by the Stockton Unified School District. In anticipation of future need for new or expanded school facilities, the School District imposes development impact fees on residential and non-residential development. The current development impact fee on single-family residential development is \$5.48 per square foot. Under the provisions of SB 50, which established school impact fees, the payment of impact fees is considered adequate mitigation for CEQA purposes. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to school facilities, impacts would be *Less Than Significant*, and no mitigation is required.

a-iv) Parks.

The Negative Declarations concluded that the projects would have no impacts related to new or expanded park facilities, although they do not provide supporting information. Development within the project area would likely generate a demand for parks and recreational facilities, which in the County are managed by the County Parks and Recreation Department. As a condition of approval, each project would be required to pay in-lieu fees for park development. The fees would be used for new parks or improvements to existing parks and recreational facilities. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to park facilities, impacts would be *Less Than Significant*, and no mitigation is required.

a-v) Other Public Facilities.

The Negative Declarations concluded that the projects would have no impacts related to new or expanded facilities for other public services, although they do not provide supporting information. Since the project would not generate any unplanned population growth (see Section 2.14, Population and Housing), it would not place additional demands upon these other public services. Based on this, this review concurs with the adopted Negative Declarations that the projects would have *No Impact* on other public facilities.

2.16 RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			2	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			2	

Environmental Impacts and Mitigation Measures

a, b) Recreational Facilities.

As discussed in Section 2.15, Public Services, the Negative Declarations concluded that the projects would have no impacts related to new or expanded park facilities, although they do not provide supporting information. Development within the project area would likely generate a demand for parks and recreational facilities, which in the County are managed by the County Parks and Recreation Department. As a condition of approval, each project would be required to pay in-lieu fees for park development. The fees would be used for new parks or improvements to existing parks and recreational facilities. Therefore, while this review does not concur with the conclusions of the Negative

Declarations that there would be no impact related to park facilities, impacts would be *Less Than Significant*, and no mitigation is required.

2.17 TRANSPORTATION

Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
- c) Substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
- d) Result in inadequate emergency access?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			L 1	
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			L 1	
c) Substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			L 1	
d) Result in inadequate emergency access?				L 1

Environmental Impacts and Mitigation Measures

- a) Conflict with Transportation Plans, Ordinances, and Policies.

The Negative Declarations concluded that the projects would have no impacts on traffic and non-vehicle transportation. For each project within the project area, a traffic study was prepared to determine potentially significant impacts and mitigation measures if necessary. For the Ligurian Village 1 and Eastbrook Estates projects, traffic impacts were identified for which mitigation measures were recommended. For the Ligurian Village 2 project, no traffic impacts requiring mitigation were identified. The mitigation measures identified in the traffic studies were made conditions of approval. These mitigation measures are:

- The applicant/developer shall contribute a fair share for the installation of a traffic signal at the intersection of Main Street and State Route 99 northbound off-ramp prior to approval of the Final Map.
- The applicant/developer shall contribute a fair share for the widening of Del Mar Avenue at the intersection of Main Street prior to approval of the Final Map.
- The applicant/developer shall dedicate adequate right-of-way to provide for one left-turn and one right-turn lane on Del Mar Avenue and shall be shown on the Final Map.

The traffic studies indicated that implementation of these measures would reduce traffic impacts of the projects to a level that would be less than significant. Since adoption of the Negative Declarations, the questions in this section of the CEQA Environmental Checklist have been modified.

Existing public transit routes by SJRTD pass by the project area on East Main Street. Development would not affect these transit routes. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to traffic and non-vehicular transportation, impacts would be *Less Than Significant*, and no mitigation beyond the adopted conditions of approval is required.

b) Conflict with CEQA Guidelines Section 15064.3(b).

Since adoption of the Negative Declarations, the CEQA Environmental Checklist has been revised to include this question on CEQA Guidelines Section 15064.3(b). The State of California has recently added Section 15064.3 to the CEQA Guidelines, which is meant to incorporate SB 743 into CEQA analysis. SB 743 was enacted in 2013 with the intent to balance congestion management needs and the mitigation of the environmental impacts of traffic with statewide GHG emission reduction goals. More specifically, Section 15064.3 states that vehicle miles traveled (VMT) is the preferred method for evaluating transportation impacts, rather than the commonly used LOS. Unlike LOS, VMT accounts for the total environmental impact of transportation associated with a project, including use of non-vehicle travel modes. Section 15064.3(b) sets forth the criteria for analyzing transportation impacts using the preferred VMT metric:

- VMT exceeding an applicable threshold of significance may indicate a significant impact.
- Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing “high-quality transit corridor” should be presumed to cause a less-than-significant transportation impact.
- Projects that decrease VMT in the project area compared to existing conditions should be presumed to cause a less-than-significant transportation impact.

To date, the County has not formally adopted any VMT thresholds, and the projects would increase VMT by developing single-family residences. However, the proposed development is adjacent to existing transit routes. Also, the development would be consistent with the existing designation of the County General Plan, which anticipated more urban development in the area. This review concludes that the impacts of the projects related to VMT would be *Less Than Significant*.

c) Traffic Hazards.

The Negative Declarations did not explicitly address traffic hazard issues. As described in a) above, the projects would be required to contribute their fair share to specific road improvements in the vicinity. In addition, the County Department of Public Works made the following street lighting requirements as conditions of approval:

- Street lighting shall be provided for the subdivision and the frontage of Main Street, Horner Avenue, and Del Mar Avenue at the intersections of Main Street and Del Mar Avenue, Del Mar Avenue and La Spezia Way, Horner Avenue and Del Mar Avenue, and Liguria Way and Del Mar Avenue [Ligurian Village 1].

- Street lighting shall be provided for the subdivision and the frontage of Walker Lane, Main Street, Rapallo Street, and San Remo Street, and at the intersection of Walker Lane and San Remo Street, Walker Lane and Meadowood Drive, San Remo Street and Rapallo Street, Rapallo Street and Meadowood Drive, and at Ligure Court [Ligurian Village 2].
- Street lighting shall be provided for the subdivision and the frontage of Horner Avenue, Walker Lane, and Main Street and at the intersections of Street A and Walker Lane, Street A and Street C, Street C and Court D, Street C and Street B, Walker Lane and Street B, and Walker Lane and Main Street [Eastbrook Estates].

The proposed annexation to CSA 41 would allow for maintenance of the street lighting required as conditions of approval. This review concludes that the impacts of the projects on traffic hazards would be *Less Than Significant*, and no mitigation beyond the adopted conditions of approval is required.

d) Emergency Access.

The Negative Declarations concluded that the projects would have no impacts regarding restriction of access, although they do not provide supporting information. Existing access to the project area for emergency vehicles is provided by East Main Street, Horner Avenue, Del Mar Avenue, and Walker Lane. Project area development would not restrict access on these roads, and internal streets would be installed to provide access to the proposed residences. This review concurs with the adopted Negative Declarations that the projects would have *No Impact* on emergency access.

2.18 TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
i)		0		
ii)		0		

Since adoption of the Negative Declarations, the CEQA Environmental Checklist has been updated to include questions specifically addressing tribal cultural resources, arising from the passage of AB 52 in 2014. AB 52 requires CEQA consultation with Native American tribes on projects that could potentially affect resources of value to the tribes. Consultation with tribes on a notice list shall be initiated prior to the release of the CEQA document for public review.

When a tribe requests consultation, the lead agency must provide the tribe with notice of a proposed project within 14 days either of a project application being deemed complete or when the lead agency decides to undertake the project if it is the agency's own project. The tribe has 30 days from receipt of the notification letter to respond in writing. If the tribe requests consultation, then the lead agency has up to 30 days after receiving the tribe's request to initiate formal consultation. Matters which may be subjects of AB 52 consultation include the type of CEQA environmental review necessary, the significance of tribal cultural resources, and project alternatives or appropriate measures for preservation or mitigation of the tribal cultural resource that the tribe may recommend to the lead agency.

AB 52 took effect on July 1, 2015. Projects with a Notice of Preparation or a Notice of Intent filed on or after July 1, 2015 are subject to AB 52 procedures, while projects filing prior to that date are not required to consult under AB 52. Since the Notices of Intents for all the projects were filed prior to July 1, 2015, no AB 52 consultation is required for these projects.

Environmental Impacts and Mitigation Measures

a-i, -ii) Tribal Cultural Resources.

Potential impacts of the projects on archaeological resources and human burials were discussed in Section 2.5, Cultural Resources. The conclusions were that the projects would not affect these resources, which may include those considered tribal cultural resources, if mitigation measures were implemented.

As noted above, the projects are not subject to AB 52 consultation procedures, as the Notices of Intent for all three projects were issued prior to July 1, 2015. Nevertheless, it is acknowledged that tribes with historical interests in the project area may have concerns regarding potential impacts of the projects on tribal cultural resources. Because of this, it is recommended that the LAFCo Executive Director notify tribes traditionally and culturally affiliated to the subject site of any LAFCo meeting on this proposed annexation. Also, it is recommended that LAFCo, should it approve the annexation, attach the following Condition of Approval:

COA # ___ Inadvertent Discovery of Cultural Resources. If prehistoric or historic-era archaeological resources are encountered during ground-disturbing activities, all activities within 100 feet of the find shall halt and the County shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that a project could damage a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation

shall be implemented in accordance with Public Resources Code Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the County. Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of, but would not be limited to, sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. If the find is Native American in origin, the appropriate tribes shall be notified. A representative from the affected tribes shall participate in the preparation of the treatment plan and shall monitor the implementation of the plan, including any on-site excavations, to ensure that any find is treated with respect.

Implementation of the Condition of Approval would minimize impacts on any tribal cultural resources that may be identified on the subject site. As such, this review concludes that impacts of the projects on tribal cultural resources would be *Less Than Significant with Mitigation Incorporated*.

2.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			L	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			L	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			L	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or			L	

otherwise impair the attainment of solid waste reduction goals?

e) Comply with federal, state and local management and reduction statutes and regulations related to solid waste?

			2014-11-23

Environmental Impacts and Mitigation Measures

a) Construction or Relocation of Infrastructure.

The Negative Declarations concluded that the projects would have no impacts related to construction or relocation of infrastructure, although they do not provide supporting information. Project area development would require the installation of water, sewer, and storm drainage infrastructure to support the new residences. The water and sewer systems of the project area would connect to existing mains in the vicinity. The storm drainage system would connect to the CSA 41 system, as required by the conditions of approval for the projects. All system connections would be made within existing rights-of-way; no new rights-of-way would need to be acquired. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to construction or relocation of infrastructure, impacts would be *Less Than Significant*, and no mitigation is required.

b) Water Supply.

The Negative Declarations concluded that the projects would have no impacts related to water supply, although they do not provide supporting information. Water for the project area would be provided by Cal Water, as specified in the conditions of approval for the projects. Cal Water recently issued a will-serve letter stating that it has adequate water supply to serve the proposed development. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to water supply, impacts would be *Less Than Significant*, and no mitigation is required.

c) Wastewater Treatment Capacity.

The Negative Declarations concluded that the projects would have no impacts related to wastewater service, although they do not provide supporting information. Wastewater service for the project area would be provided by the City of Stockton, as specified in the conditions of approval for the projects and upon approval of an Out-of-Agency agreement by LAFCo. As noted, CSA 41 does not have its own sewer system. Sewer service to residents of the Tierra del Sol subdivision, which is part of CSA 41 and to whom residents pay for sewer service, is provided by the City of Stockton.

The project site is within City of Stockton Wastewater Collection System #6. The flows within System 6 flow to an existing pump station located within Oro and Main Street, and are then pumped in a force main to other portions of the City's existing collection system to be conducted to the City's treatment plant. The project site is adjacent to the City's Wastewater Collection System #4. Collection System 4 encompasses the East Stockton Sewer Project, which uses a collection system that conveys effluent to a pump station

located on Homer Avenue and Drake Avenue, then is pumped within a force main to an existing collection system to the City's treatment plant. The System #6 and System #4 collection systems are entirely separate.

The subject site is within the Garden Acres community. Garden Acres has been designated a Disadvantaged Unincorporated Community (DUC) in accordance with SB 244. SB 244 requires that a LAFCo includes determinations concerning the present and planned capacity of public facilities and adequacy of public services for DUCs within or adjacent to the sphere of influence of any city or special district. This includes evaluation of sewer needs or deficiencies. A concern has been raised regarding the effect of the project on the availability of adequate sewer service capacity to residents of the Garden Acres DUC, which is a potential environmental justice issue (see Land Use section).

Per John Wotila of the City's Municipal Utilities Department, all the planned elements of System #4, including the East Stockton Sewer Project have been installed, and as a result all homes within that district have the ability to connect to the existing collection system once an application is made to the City of Stockton. There is sufficient reserved capacity in System #4 to allow each house to connect to the system when they desire to do so. The collection systems are independent; therefore, the project's proposed new connections within System 6 will not impact or impede residential connections to System #4 inclusive of the East Stockton Sewer Project. Therefore, the proposed annexations and the associated new sewer connections for the subject site would not adversely affect the ability of residents of the Garden Acres DUC to obtain sewer services.

The City has issued a will-serve letter stating that it has the capacity to serve the proposed development, and the City's treatment plant has adequate capacity to accommodate the wastewater anticipated to be generated by the proposed development. While this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to wastewater treatment, impacts would be *Less Than Significant*, and no mitigation is required.

d) Solid Waste Capacity.

The Negative Declarations concluded that the projects would have no impacts related to solid waste service, although they do not provide supporting information. Solid waste in the County is collected by a designated franchisee, which for the project area is Sunset Disposal. Collected solid waste is disposed at three County landfills: the Forward Landfill on South Austin Road with available capacity to 2020, the North County Landfill on East Harney Lane with available capacity to 2048, and the Foothill Sanitary Landfill on North Waverly Road with available capacity to 2082. At least two County landfills would have adequate capacity to accommodate the solid waste volume generated from the projects. Therefore, while this review does not concur with the conclusions of the Negative Declarations that there would be no impact related to solid waste, impacts would be *Less Than Significant*, and no mitigation is required.

e) Compliance with Solid Waste Statutes and Regulations.

The Negative Declarations do not discuss solid waste statutes or regulations, as this item was added to the CEQA Environmental Checklist after their adoption. It is expected that the projects would comply with all applicable federal, State, and local solid waste regulations, including recycling requirements. This review concludes that the projects would have *No Impact* on compliance with solid waste statutes and regulations.

2.20 WILDFIRE

If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

	Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			<input checked="" type="checkbox"/>	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			<input checked="" type="checkbox"/>	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			<input checked="" type="checkbox"/>	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			<input checked="" type="checkbox"/>	

Environmental Setting

Since adoption of the Negative Declarations, the CEQA Environmental Checklist has included a section on wildfires. Wildland fires are an annual hazard in San Joaquin County. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County’s fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. High hazard areas for wildland fires are the grass-covered areas in the east and the southwest foothills of the County (San Joaquin County 2016).

The California Department of Forestry and Fire Protection’s Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project area is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard

Severity Zone. The area surrounding the project area is likewise not in any designated fire hazard zone (Cal Fire 2007).

Environmental Impacts and Mitigation Measures

a) Emergency Response and Emergency Evacuation Plans.

As noted in Section 2.9, Hazards, and Section 2.17, Transportation, the project would not interfere with movement of emergency response vehicles or evacuations. There would be no new or more severe impacts associated with the proposed project. Impacts of the projects on emergency response and evacuations would be *Less Than Significant*.

b) Exposure of Project Occupants to Pollutants.

The project area is within a developed area that is not in a Fire Hazard Severity Zone. It is not part of a State Responsibility Area (Cal Fire 2007). The surrounding land primarily has little or no threat of wildland fires occurring, due to the cultivated agricultural land and the developed uses surrounding the project area. Impacts of the projects related to exposure of occupants to pollutants would be *Less Than Significant*.

c) Installation and Maintenance of Infrastructure.

As noted in b) above, the project would be developed in a mostly urbanized area, and therefore is not expected to exacerbate fire risk in the area. Impacts of the projects would be *Less Than Significant*.

d) Risks from Runoff, Post-Fire Slope Instability, or Drainage Changes.

The project area is not located near foothills, and no streams from the foothill region traverse the project area. The project area is not in an area that would be vulnerable to runoff, post-fire slope instability, or drainage changes. Based on this, impacts of the projects would be *Less Than Significant*.

2.21 MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
	<input checked="" type="checkbox"/>		

b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable		
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	

a) Findings on Biological and Cultural Resources.

Impacts of the project on biological resources and cultural resources were evaluated in Sections 2.4 and 2.5, respectively. No significant impacts on biological resources were identified, with required participation in the SJMSCP. For cultural resources, potentially significant impacts were identified that could be mitigated to a level that would be less than significant through mitigation measures described in Section 2.5. Based on this, this review concludes that impacts would be *Less Than Significant with Mitigation Incorporated*.

b) Findings on Cumulatively Considerable Impacts.

The Negative Declarations concluded that the projects would have no impacts that were cumulatively considerable, although they do not provide supporting information. All three projects had undergone CEQA review with the County, and none of them had environmental impacts that were considered significant after the implementation of conditions of approval.

The LAFCo Executive Director has noted that there are 20 parcels on the north and south side of Main Street that are within the City of Stockton’s Sphere of Influence and are zoned for residential use. The Executive Director asserts that it is foreseeable that these properties would seek annexation to CSA 41 and out-of-agency service from the City of Stockton. There is an existing application with the County to rezone 25.92 acres southwest of the subject site to Low Density Residential and 2.0 acres to General Commercial. The Executive Director also noted the availability of sewer connections at two areas - Solari Ranch and Wilhelmina Scott School - and expressed the opinion that the cumulative impacts of the proposed annexation should be discussed in the context of these potential developments.

CEQA Guidelines Section 15130 states that a discussion of cumulative impacts may use one of two elements to provide an adequate discussion of such impacts:

- A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect.

The discussion of cumulative impacts for this project relies primarily upon the analysis contained in the San Joaquin County General Plan EIR, adopted by the County of Stockton in 2016. The County General Plan EIR analyzed the potential environmental impacts of implementation of the General Plan, including potential cumulative impacts under each environmental issue analyzed, based on designated land uses. The subject site has been designated Urban Reserve – a designation that may be applied to areas adjacent to cities if: 1) the area identified is designated for urban development in a city general plan, and 2) the County determines that the area represents a reasonable expansion of a city. The subject site has been designated for residential development in the Stockton General Plan adopted in 2018.

However, after discussions with the LAFCo Executive Director, this review evaluates the potential cumulative impacts of the three projects inclusive of one other proposed development project that is considered reasonably foreseeable. The project is Solari Ranch III, located south of Main Street across from the subject site. Solari Ranch III is a proposed single-family residential development consisting of 154 units. The project applicant for Solari Ranch III currently has a rezone application into the County for two of the parcels that make up the project's boundary. It is possible that fewer units would be constructed; however, this review assumes the construction of 154 units.

For all but two environmental issues, cumulative impacts were determined to be less than significant, either in and of themselves or with implementation of mitigation measures identified in the County General Plan EIR. The two issues for which cumulative impacts were considered significant and unavoidable by the County General Plan EIR were air quality and utilities and service systems.

On air quality, the EIR stated that development facilitated by the General Plan would result in cumulative criteria air pollutant air quality impacts. However, the CalEEMod run conducted for the three projects, available in Appendix A of the CEQA Adequacy Review, indicates that the combined projects would be substantially below SJVAPCD significance thresholds, developed in part to determine if a project could potentially obstruct implementation of air quality plans. A preliminary CalEEMod run conducted for the Solari Ranch III project shows that project also would be substantially below SJVAPCD significance thresholds, and the combined emissions of the four projects would be below these thresholds as well.

On utilities and service systems, the County General Plan EIR identified cumulative considerable impacts to potable water supplies. However, on impacts specific to the service area of Cal Water, which includes the subject site and the Solari Ranch III site, the EIR stated that Cal Water does not anticipate any new sources of supplies will be needed to meet future demand. The concern about cumulative water supply impacts applied to other areas of the County. Cal Water has provided a "will serve" letter for development on the subject site. The proposed development on the subject site had no other environmental issues that would introduce new or more severe cumulative impacts than those described in the County General Plan EIR.

This CEQA review found that the projects on the subject site could have significant impacts on cultural resources and paleontological resources, but that mitigation measures identified in the County General Plan EIR would reduce these impacts to a level that would be less than significant. It is expected that the Solari Ranch III project would also be subject to these mitigation measures. These mitigation measures, which address archaeological and paleontological resources that may be uncovered during construction, are standard measures imposed by the County and do not address impacts that were not analyzed in the EIR. As has been noted, proposed project area development would be consistent with County General Plan designations and zoning.

In summary, the projects are not anticipated to have impacts that would be cumulatively considerable. While this review does not concur with the conclusions of the Negative Declarations that there would be no cumulative impact, impacts would be *Less Than Significant with Mitigation Incorporated*.

c) Findings on Adverse Effects on Human Beings.

The Negative Declarations do not discuss adverse effects on human beings, as this item was added to the CEQA Environmental Checklist after their adoption. Potential adverse project effects on human beings were discussed in Section 2.3, Air Quality; Section 2.7, Geology and Soils (seismic hazards); Section 2.9, Hazards and Hazardous Materials; Section 2.10, Hydrology and Water Quality (flooding); Section 2.17, Transportation (traffic hazards); and Section 2.20, Wildfire. For all these issues, potential adverse effects were either less than significant or would be reduced to levels considered less than significant through compliance with applicable laws, regulations, and City ordinances and standards. With this information, this review concludes that project impacts would be *Less Than Significant*.

EXHIBIT A
LIGURIAN ESTATES ANNEXATION
LAFCO CONDITIONS OF APPROVAL

1. The project applicant will, as proposed, make a contribution of \$2,906.00 per acre of Farmland converted by the projects to urban use as described in Section 2.2 of the *CEQA Adequacy Review of the Adopted Negative Declarations*, dated March 22, 2022. This contribution shall be made to a qualified land trust specializing in conservation of agricultural lands, such as the California Farmland Trust. This contribution shall be made after annexation approval and prior to issuance of the first building permit.

2. If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities, all activities within 100 feet shall halt and the County and LAFCo staff shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that a project could damage a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the County and LAFCo. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

AGRICULTURAL LAND CONVERSION STATEMENT
PROPOSED ANNEXATION OF LIGURIAN VILLAGE 1 AND 2 AND
EASTBROOK ESTATES TO COUNTY SERVICE AREA 41
May 14, 2021

INTRODUCTION

The Ligurian Village 1 and 2 and Eastbrook Estates Annexation Project proposes the annexation of 11 parcels totaling approximately 47 acres (the “subject site”) to County Service Area (CSA) 41 east of the City of Stockton in San Joaquin County (County). The subject site is approximately bounded by East Main Street to the south, Del Mar Avenue to the west, and Horner Avenue to the north (Figures 1 and 2). The site is currently vacant except for two single-family residences adjacent to East Main Street. A single-family residence in the northeastern portion of the subject site is not part of the proposed annexation. The County has approved three tentative subdivision maps for proposed single-family residential development on the subject site. The purpose of the annexation is to provide storm drainage and street lighting services, available through the existing CSA 41, to the proposed residential development.

The San Joaquin County Local Agency Formation Commission (LAFCo) is the agency responsible for review and approval of annexation and other government organization and reorganization projects. Additional information related to the annexation project is provided in the Initial Studies for the three subdivisions, which were prepared and adopted by the County.

For proposals that could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to other uses, California Government Code Section 56377 requires that the responsible LAFCo consider the consistency of the project with the following policies:

- a) Development or use of land other than open-space uses shall be guided away from existing prime agricultural lands in open-space use and towards areas containing non-prime agricultural lands, unless that action would not promote the planned orderly, efficient development of an area.
- b) Development of existing vacant or non-prime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open space uses which are outside of the existing jurisdiction of the local agency or outside the existing sphere of influence of the local agency.

This Agricultural Land Conversion Statement describes 1) existing and historical agricultural use on and near the subject site; 2) State and local agricultural land programs and policies and their applicability to the subject site, 3) the agricultural land conversion impacts of the project as described in the EIR, and 4) consistency of the proposed annexation with Government Code Sections 56377(a) and (b).

AGRICULTURE BACKGROUND INFORMATION

Existing Agricultural and Other Land Uses on and Near the Subject Site: The subject site and surrounding areas historically have been used for agriculture. However, urban development, consisting of mainly single-family residential development, has displaced most agricultural uses in the project area. The subject site is currently vacant and not in agricultural use. Lands that remain in agricultural production are located south of the subject site, across East Main Street. However, lands to the north, east, and west of the subject have been developed with urban-density residences and a park (East Side Community Park) or are vacant.

County Land Use Designations: Eight of the 11 parcels within the subject site are currently designated by the San Joaquin County General Plan as R/L, Low Density Residential. The other three parcels – APNs 159-100-07, 159-100-10, and 159-100-11 – are designated C/G, General Commercial. All parcels within the subject site are zoned by the County as R-L (Residential, Low Density). None of the parcels are designated or zoned for agricultural use.

It should be noted that the subject site is also within the Planning Area of the Stockton General Plan. The Stockton General Plan has designated the subject site for Low Density Residential use.

FMMP Designations: Important Farmland Maps, prepared by the California Department of Conservation as part of the Farmland Mapping and Monitoring Program (FMMP), designate the viability of lands for farmland use, based on the physical and chemical properties of the soils. The maps categorize farmland, in decreasing order of soil quality, as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. Collectively, these categories, along with Grazing Land, are referred to as “agricultural lands” by the FMMP. In CEQA Guidelines Appendix G, the Environmental Checklist generally used for environmental impact analysis, only the first three categories of farmland are designated “Farmland” and is considered the main agricultural lands of concern.

According to the 2018 Important Farmland Map of San Joaquin County, approximately 28.7 acres of the subject site, consisting of its eastern and central portions, are classified as Farmland of Statewide Importance, which under CEQA is considered “Farmland” of concern. The remaining 18.3 acres, in the western portion of the subject site, are classified as Farmland of Local Importance, which is not of concern under CEQA.

Soils: Soil quality for agricultural use is described by the Natural Resources Conservation Service (NRCS) soil capability rating. Capability class ratings are designated by the numbers I through VIII; the higher numbers indicate progressively greater limitations and narrower choices for practical use. Capability Class I and II soils are usually considered “Prime.”

There are three soil types within the subject site:

- *Galt clay* is a Class IV soil when not irrigated, which involves very severe limitations for agriculture. With irrigation, Galt clay is a Class III soil, which is not a Prime Farmland soil. Galt clay is the predominant soil type on the subject site, covering the entire area designated Farmland of Statewide Importance and a portion of the area designated as Farmland of Local Importance.

- *Galt-Urban land complex*, like Galt clay, is a Class IV soil when not irrigated and a Class III soil when irrigated. It is not a Prime Farmland soil. Galt-Urban land complex is found along the western boundary of the subject site, in the area where the FMMP map indicates Farmland of Local Importance is located.
- *Stockton silty clay loam* is a Class IV soil when not irrigated, which involves very severe limitations for agriculture. With irrigation, Stockton silty clay loam is a Class II soil, which is considered a Prime Farmland soil. This soil occupies a small portion of the Portions of the western and southern areas of the subject site have Stockton clay soils.

Under the Cortese-Knox-Hertzberg Act, which sets forth procedures for annexations, one of the definitions of “prime agricultural land” is “Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible” (Government Code Section 56064(a)). Since Stockton silty clay loam is a Class II soil when irrigated, a portion of the subject site has prime agricultural land as defined by Government Code Section 56064(a).

Other definitions of “prime agricultural land” under the Cortese-Knox-Hertzberg Act include:

- Land that qualifies for rating 80 through 100 Storie Index Rating.
- Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Galt clay soil has a Storie Index rating of 25, while the Galt-Urban land complex has a Storie rating of less than 10. The subject site does not support livestock and is not planted with fruit or nut-bearing trees, vines, bushes, or crops. Based on Google Earth historical photographs, the subject site has been used for agricultural production in only two of the previous five calendar years. By these other definitions, neither the Galt clay soil nor the Galt-Urban land complex is prime agricultural land.

AGRICULTURAL LAND POLICIES AND PROGRAMS

California Williamson Act: The Land Conservation Act of 1965, commonly known as the Williamson Act, was enacted to help preserve farmland in California. Under the Williamson Act, a contract is executed between landowners and local governments to voluntarily restrict development on property in exchange for lower property tax assessments based on the existing

agricultural land use. None of the parcels within the subject site are under a Williamson Act contract with San Joaquin County.

Agricultural Land Mitigation Program: Chapter 9-1080 of the San Joaquin County Code sets forth the provisions of the County's Agricultural Land Mitigation Program, which implements the agricultural land conservation policies contained in the County General Plan related to permanently protecting agricultural land within the County. Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use [a 1:1 ratio]. This program applies only to a General Plan Amendment that changes the designation of any land from an agricultural to a non-agricultural use, or to a zoning reclassification that changes the permitted uses from agriculture to a nonagricultural use regardless of the General Plan designation. As such, this program would not apply to the subject area.

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan: The County is a participant in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The SJMSCP provides for avoidance and compensatory mitigation of biological impacts. The SJMSCP involves payment of fees for conversion of habitat lands to urban uses; fees are then used to purchase, preserve, and improve habitat lands. Many habitat easements under the SJMSCP program protect agricultural lands needed for protection of Swainson's hawk or other sensitive species that are dependent on these lands. As a result, the SJMSCP results in the preservation of agricultural lands in perpetuity. Development of the subject site will be subject to SJMSCP fees, which are currently \$13,399 per gross acre.

AGRICULTURAL LAND CONVERSION IMPACTS

The agricultural land impacts of the project were evaluated in the Initial Study/Negative Declarations for the three subdivision projects, which were adopted by the County in 2007 and 2009 after release for public review. Based on the checklist used at the time, the County found that the project would have no impact on "prime farmland." Since the adoption of these Initial Studies, the CEQA Checklist has been revised to specify impacts on Prime Farmland, Unique Farmland, and Farmland of Statewide Importance as identified on an Important Farmland Map.

The subject site contains approximately 28.7 acres of Farmland of Statewide Importance as identified on the most recent Important Farmland Map for San Joaquin County. While the proposed annexation by itself would have no impact, future development of the subject site would be made possible with the annexation to CSA 41 and the provision of its services. This future development would convert 28.7 acres of Farmland, as defined in CEQA Guidelines Appendix G, to a non-agricultural use.

The proposed annexation to CSA 41 would transfer responsibility for provision of maintenance services for public storm drainage and street lighting from the County to CSA 41. The proposed annexation is not a land development approval; rather, it is a condition of approval for proposed development that has already been approved by the County. The subject site is surrounded on three sides by residential development and had been designated and zoned for residential use by the County. In addition, as required by their individual conditions of approval, all three subdivisions would participate in the SJMSCP. The SJMSCP would require fee payments for conversion of

habitat lands. Part of these payments would be used to conserve agricultural lands. Compliance with the SJMSCP would help compensate for the impact of agricultural land conversion on the subject site, reducing impacts to a level that would be considered less than significant.

The project would not involve any activity that would indirectly convert agricultural land beyond the subject site to non-agricultural uses. CSA 41 would provide storm drainage and street lighting services only to properties that are within the CSA, which are developed properties or properties approved for development. Nearby agricultural lands would not be affected by the extension of these services to the subject site. Project impacts on indirect conversion of agricultural lands would be less than significant.

CONSISTENCY WITH GOVERNMENT CODE SECTION 56377(A)

GC 56377(a) Development or use of land other than open-space uses shall be guided away from existing prime agricultural lands in open-space use and towards areas containing non-prime agricultural lands, unless that action would not promote the planned orderly, efficient development of an area.

The proposed annexation is consistent with this policy. While the majority of the subject site (28.7 acres) is designated Farmland for CEQA purposes, relocation of the project to non-prime agricultural lands would not promote the planned, orderly, efficient development of the unincorporated County area. The County General Plan encourages the location of urban development close to areas of existing urban development (see Guiding Principles, County General Plan Page 3.1-2). The proposed project implements the County General Plan by siting the project in an area substantially surrounded by existing urban development.

While relocation of the project to an outlying non-prime agricultural site might reduce agricultural land impacts at the subject site, development at the proposed location would reduce the demand for conversion of agricultural lands more distant from existing urban development to non-agricultural uses and avoid indirect effects on agricultural lands in the vicinity of the relocated site. The subject site has been committed to urban development by the County as well as by the adjacent City of Stockton. The site is within the adopted Sphere of Influence for the City of Stockton, and the Stockton General Plan has designated site and surrounding area for residential development.

Development of the site will fulfill the purposes and land use designations of the County General Plan and the Stockton General Plan. It also would be consistent with existing development in the area. Shifting planned development to another site of comparable size and accessibility would be contrary to the County's plan for conserving agricultural areas by concentrating development near urban areas.

CONCLUSIONS RELATED TO AGRICULTURAL LAND CONVERSION

While the subject site contains prime agricultural land, the County analyzed the impacts of conversion in the Initial Studies for the three subdivision projects proposed on the subject site and concluded that impacts would be less than significant. The proposed annexation would not change this analysis or conclusion if future development is required to participate in the SJMSCP, which would compensate for the loss of prime agricultural land.

The subject site is substantially surrounded by existing urban development and is located in an area planned for residential development by both the County and the City of Stockton. There are agricultural lands south of the subject site, but they would not be affected by the proposed annexation to CSA 41 and subsequent provision of services by the CSA. Proposed development of the site would promote the planned orderly, efficient development of the area, consistent with County General Plan policies encouraging development near existing urban areas.



CALIFORNIA WATER SERVICE

Stockton District 1505 East Sonora Street, Stockton, CA 95205
Tel: (209) 547-7900

October 6, 2020

Sarah Wood
sarah.wood@lgihomes.com

Will Serve Letter

Tract or Parcel Map No: Ligurian Village 1 (APN: 159-400-250-000, 159-100-080-000, 159-100-090-000, 159-100-100-000, 159-100-110-000), Ligurian Villiage 2 (APN: 159-100-120-000, 159-110-310-000, 159-110-300-000, 159-110-290-000), Eastbrook Estates (APN: 159-100-120-000)

Dear Ms. Wood:

California Water Service Company Stockton District ("Cal Water") has determined that water is available to serve the above-referenced project based on the information provided. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This determination of water availability shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming water availability. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells, in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.

If you have any questions regarding the above, please call me at (209)464-8311.

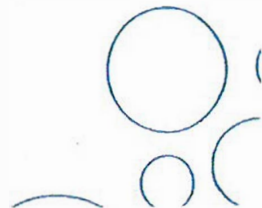
Sincerely,

Bret Dahlen
Construction Superintendent
Stockton District

cc: Ting He – Cal Water Engineering Dept

File
Quality. Service. Value.

calwater.com



ANNEXATION REPORT
LIGURIAN VILLAGE 1 AND 2 AND EASTBROOK ESTATES
May 14, 2021

1.0 INTRODUCTION AND PROJECT INFORMATION

This report provides background information and analysis in support of the proposed annexation of the approved Ligurian Village 1 and 2 and Eastbrook Estates residential subdivisions to County Service Area (CSA) 41 in San Joaquin County (County). CSA 41 is a County-dependent service district with specific maintenance responsibilities for public improvements within its boundaries. These public improvements are storm drainage, street lighting, and fire hydrants.

This report addresses annexation compliance with applicable San Joaquin Local Agency Formation Commission (LAFCo) rules and regulations, describes the plan for provision of CSA 41 services to the annexation area, analyzes the relevant fiscal effects of the annexation and documents the availability of adequate potable water supply to the project. The contents of this document are as follows:

- 1.0 Introduction and Project Information
- 2.0 Consistency of Proposed Annexation with Applicable LAFCo Policy
- 3.0 Services Plan for Proposed Annexation Area
- 4.0 Fiscal Effects of Proposed Annexation
- 5.0 Availability of Adequate Water Supply

The annexation project is in the eastern portion of the Stockton metropolitan area in unincorporated San Joaquin County (Figures 1-4). The proposed annexation area, hereinafter referred to as the “subject site,” is approximately bounded by East Main Street to the south, Del Mar Avenue to the west, and Horner Avenue to the north. The subject site consists of 11 parcels: APNs 159-100-07, -08, -09, -10, -11, and -12, and APNs 159-110-25, -29, -30, and -31. The parcels total approximately 47 acres.

The subject site is proposed for development of three residential subdivisions. Ligurian Village 1 subdivides an approximately 19.9-acre area into 114 lots for single-family residences. Ligurian Village 2 subdivides an approximately 12.4-acre area into 53 lots for single-family residences plus one large remainder lot. Eastbrook Estates subdivides an approximately 14.7-acre area into 69 lots for single-family residences. The total number of single-family residences at buildout of all three subdivisions would be 236. Tentative subdivision maps for Ligurian Village 1 and Eastbrook Estates were approved by the County in 2007; the tentative subdivision map for Ligurian Village 2 was approved by the County in 2009. All three subdivision maps were approved after the County adopted Negative Declarations under the California Environmental Quality Act (CEQA) for each map.

The proposed project is consistent with the existing San Joaquin County General Plan designation and zoning. The General Plan designation of the site is Low Density Residential, and the County zoning is R-L, Low Density Residential. The existing designations and zoning had been established at the time the tentative subdivision maps were approved. It should be noted that the subject site is also within the Planning Area of the Stockton General Plan. The Stockton General Plan has designated the subject site for Low Density Residential use.

For each of the residential subdivisions, the San Joaquin County Public Works Department included a Condition of Approval requiring the developer to obtain public storm drainage and street lighting services from adjacent CSA 41, which provides the required services. This would require annexation to CSA 41, which requires the approval of LAFCo. LAFCo is therefore a Responsible Agency for the project as defined by CEQA and is responsible for CEQA compliance in connection with the proposed annexation. LAFCo's duties as a Responsible Agency are defined in CEQA Guidelines §15096. These responsibilities with respect to the project are described in a separate document entitled *Recommendations for Responsible Agency Action Pursuant to CEQA Guidelines Section 15096, May 2021*, which will be adopted by LAFCo in conjunction with approval of the proposed annexation.

This report also discusses wastewater services to the subject site. Wastewater services would be provided by the City of Stockton. Since the subject site would remain under County jurisdiction, these services would be provided under an Out-of-Area Agreement, which also requires LAFCo approval.

2.0 CONSISTENCY OF PROPOSED ANNEXATION WITH APPLICABLE LAFCO POLICY

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 *et seq.*) provides LAFCo with its authority, procedures, and functions. The Act gives LAFCo power to “approve or disapprove with or without amendment, wholly, partially or conditionally,” proposals concerning the formation of cities and special districts, annexation, or detachment of territory to cities and special districts, and other changes in jurisdiction or organization of local government agencies. “Special districts,” as defined in Government Code Section 56036(b), include County Service Areas. The Act further differentiates between “independent” special districts (i.e., districts with elected boards) and “dependent” special districts (i.e., districts without elected boards). Annexation procedures pertinent to independent special districts are defined, but no such procedures are defined for dependent special districts, which by their definition would include County Service Areas.

Criteria for project consistency with the Cortese-Knox-Hertzberg Act are identified in San Joaquin LAFCo Change of Organization Policies and Procedures. The policies that are applicable to the proposed annexation are:

- Policy #2 – every proposal must include a Plan for Services that addresses the items identified in Government Code Section 56653. Section 3.0 below provides a Services Plan for the annexation and specifies the items in Government Code Section 56653.

- Policy #3 – the territory proposed to be annexed must be contiguous to the annexing district unless specifically allowed by statute. The subject site is adjacent to and northeast of existing CSA 41 territory. Therefore, the proposed annexation would be a logical extension of CSA 41.
- Policy #5 – annexations to agencies providing urban services shall be progressive steps toward filling in the territory designated by the affected agency’s adopted sphere of influence. The CSA 41 sphere of influence is coterminous with its boundaries; however, the subject site is within the sphere of influence of the City of Stockton, and the annexation would provide urban services to an area that is substantially surrounded by urban development.
- Policy #10 – all boundaries shall be definite and certain and conform to lines of assessment and ownership. The proposed annexation would conform to the boundaries of the 11 parcels that would be annexed.
- Policy #11 – an annexation shall not be approved merely to facilitate the delivery of one or a few services to the detriment of the delivery of a larger number of services or service more basic to public health and welfare. The annexation would lead to the provision of services that CSA 41 provides to the subject site as required, for which the proposed developments would be charged in accordance with established CSA 41 fees. It would therefore not be a detriment to the provision of services to other properties within CSA 41.
- Policy #14 – LAFCo shall not approve an annexation to a city of any territory greater than 10 acres where there exists a disadvantaged unincorporated community that is contiguous to the area of the proposed annexation. The subject site is within the Garden Acres Disadvantaged Unincorporated Community. However, as the proposed project does not involve annexation to a city, this policy does not apply.

3.0 SERVICES PLAN FOR PROPOSED ANNEXATION AREA

Pursuant to California Government Code Section 56653, LAFCo requires that any application for a change of organization or reorganization be accompanied by a plan for providing services. The plan must include the following information:

- (a) An enumeration and description of the services to be extended to the affected territory.
- (b) The level and range of those services.
- (c) An indication of when those services can feasibly be extended to the affected territory.
- (d) An indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

- (e) Information with respect to how those services will be financed.

The Services Plan meets the above requirements (a) through (d) with respect to annexation of the subject site to CSA 41. CSA 41 provides two municipal services: storm drainage and street lighting. The subject site proposes to connect to the existing CSA 41 drainage system. Utility services will be provided upon completion and connection of required on-site and off-site improvements. The proposed developments have received approval from the County, and design and construction of required infrastructure improvements will be the responsibility of the project developers and subject to County approval. Information with respect to how those services will be financed is provided in Section 4.0. Section 4.0 will meet requirement (e) above.

In addition, the Services Plan will discuss the provision of wastewater collection service to the project. The project proposes to connect to the wastewater system of the City of Stockton while remaining under County jurisdiction. This action would require an out-of-agency service agreement and approval by LAFCo. The provisions of such an agreement and project consistency with these provisions are discussed later in this document.

3.1 STORM DRAINAGE

CSA 41 was established in 1987, and subsequently expanded in 2007 and 2008, to manage storm drainage facilities for residential subdivisions in the Garden Acres unincorporated area east of Stockton. The service area includes a total of 147 properties (four of which currently are not provided with services) in four locations. One of these locations, named Solari Ranch, is a four-parcel area located adjacent to and southwest of the subject site, at the intersection of East Main Street and Del Mar Avenue.

The proposed development would install several storm drainage lines, ranging in diameter from 12 to 66 inches, that would collect storm water. This system of lines would connect to existing storm drainage lines in the vicinity. In addition, an existing storm drainage line along Walker Lane would be realigned, along with Walker Lane, with the existing storm drainage line south of East Main Street. The storm drainage lines and inlets to the lines would be designed to County standards. The purpose of the annexation would be to transfer responsibility for maintenance of these storm drainage lines from the County to CSA 41. To meet costs associated with storm drainage facility maintenance, the property owners would be required to pay service charges for storm drainage service based on existing CSA fees (see Section 4.0 below).

3.2 WASTEWATER

The subject site is currently not connected to a wastewater collection and treatment system. The project proposes to connect to the City of Stockton's wastewater collection system. City sewer lines have been installed in the vicinity of the subject site: an 18-inch diameter main along East Main Street, a 12-inch diameter line along Homer Avenue, and an 8-inch diameter line along Del Mar Avenue.

The Stockton Regional Wastewater Control Facility (RWCF) provides primary, secondary, and tertiary treatment of municipal wastewater. The RWCF has a designed flow capacity of 55 mgd and average daily flow rate of 31.7 mgd. Based on a flow rate of 240 gallons

per day per dwelling unit, as set forth in the City of Stockton's 2035 Wastewater Master Plan, buildout of the subject site under the three tentative subdivision maps is estimated to generate approximately 0.057 mgd of wastewater. The RWCF would have the capacity to accommodate the estimated flow.

City wastewater services would be provided in accordance with an Out-of-Area Agreement to be approved by LAFCo. An application for approval of the agreement will be submitted to LAFCo by the City of Stockton. The City has issued will-serve letters for each of the proposed residential subdivisions. It should be noted that the subject site is within the service area of the City's Wastewater Collection System No. 6, which has been designed to provide wastewater collection services to the subject site and other currently unincorporated areas east of Stockton. The major elements of System No. 6 have been completed.

3.3 OTHER SERVICES

As noted, CSA 41 also provides street lighting service and fire hydrant maintenance. CSA 41 will maintain all offsite frontage street lighting required to be installed with the site frontage improvements. As discussed in Section 4.0 below, the subject site would pay a service charge for street lighting.

Public roads abutting the subject site would be improved in conjunction with the project. These roads are and will continue to be maintained by the County. No new public roadways would be constructed in conjunction with annexation of the subject site.

Domestic water service in the project area is provided by the California Water Service Company (Cal Water), a private utility. Cal Water currently does not provide domestic water service to the project site; however, the utility has an 8-inch diameter water line located along Horner Avenue. The project would connect to this line, along with a 12-inch diameter water line along East Main Street at Wagner Avenue west of the subject site, in accordance with Cal Water requirements. Cal Water has issued an updated will-serve letter for the proposed development on the subject site.

4.0 FINANCING OF SERVICES AND FISCAL EFFECTS

California Government Code Section 56653 requires that the plan for services include information on how the extension services would be financed. For the purposes of this analysis, service extensions are classified as 1) public road improvements and utility services such as water, wastewater, storm water, electrical, gas and communication systems that require construction of new pipelines, power lines, pump stations or other physical facilities needed to extend urban services to the subject site, and 2) general City services such as police and fire protection. Service extensions associated with this annexation are related exclusively to maintenance of public improvements, mainly storm drainage and street lighting. The annexation does not involve any extension of general City services.

As noted, CSA 41 provides storm drainage and street lighting services. Fees for these services are established by the County Board of Supervisors based on engineering recommendations. On annexation, the property owners will become responsible for

payment of CSA 41 fees. Fees vary according to location. Currently, for the Solari Ranch area adjacent to the subject site, CSA 41 charges \$94 annually for storm drainage services and \$72 annually for street lighting services, on a single-family equivalent basis. Based on the Solari Ranch fees and the proposed 236 dwelling units that would be constructed at buildout of the subject site, annual CSA fees would be \$22,184 for storm drainage services and \$16,992 for street lighting services, for a total of \$39,176.

The adopted 2020-21 County budget indicates that the entire CSA 41 had a balance of \$346,802 as of July 1, 2020. It is anticipated that CSA 41 would receive \$62,815 in revenue for the fiscal year 2020-21. Operating expenses for CSA 41 in the 2019-20 fiscal year were approximately \$13,000, which is in line with operating expenses for previous years. No operating expenses were recorded for the Solari Ranch zone, which currently is not being provided with services. For the past ten fiscal years, total CSA 41 operating expenses were no higher than \$17,000, and revenues typically have exceeded operating expenses.

The CSA budget would be augmented by revenues from proposed development of the subject site, while the expenses incurred in providing storm drainage and street lighting services to the subject site are not expected to be substantial. The project developer will install the necessary facilities. At the project level, it is expected that CSA 41 would operate at a budget surplus and that CSA 41 would be financially capable of providing services to the subject site.

5.0 AVAILABILITY OF ADEQUATE WATER SUPPLY

As noted, California Government Code Section 56668(l) requires an assessment of the timely availability of water supplies for an annexation area. Cal Water services are available to the project site from an existing distribution line along Horner Avenue, and a proposed new line would be installed along East Main Street. Cal Water has issued a will-serve letter for the proposed development on the subject site, indicating that it has adequate water supply to serve the proposed development.

Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

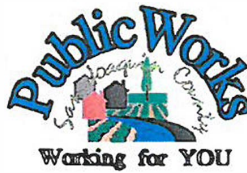
David Tolliver, Deputy Director/Operations

Najee Zarif, Deputy Director/Engineering

Kristi Rhea, Business Administrator



SAN JOAQUIN
— COUNTY —
Greatness grows here



March 21, 2022

MEMORANDUM

TO: James E. Glaser, Executive Officer
LAFCo
CONTACT PERSON: Elizabeth Contreras, LAFCo Analyst

FROM: Alex Chetley, Engineering Services Manager AC
Development Services Division

SUBJECT: LIGURIAN AND EASTBROOK ANNEXATION TO CSA 41 ZONE C, AND EXPANSION OF
THE SPHERE OF INFLUENCE (LAFC 39-21) AND OUT OF AGENCY SERVICE FROM
THE CITY OF STOCKTON (LAFC 08-21)
To annex approximately 45.62 acres to CSA 41 ZONE C. In addition, an Out of Agency Service
request for sewer treatment from the City of Stockton.

LOCATION: Located at Walker Lane, north of Main Street, Stockton

COMMENTS:

- No comments.





SAN JOAQUIN
— COUNTY —
Greatness grows here.

Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS


Melissa Nissim, REHS

Steven Shih, REHS

Michelle Henry, REHS

March 17, 2022

To: San Joaquin Local Agency Formation Commission
Attention Executive Officer: James E. Glaser

From: Michael Suszycki; (209) 598-7001
Senior Registered Environmental Health Specialist 

RE: **Annexation to County Service Area 41, Liguarian and Eastbook (LAFC 08-21),
SU0014795 (2688)**

The San Joaquin County Environmental Health Department (EHD) has reviewed the application and has no comments at this time.

1. Destroy any abandoned well(s) under permit and inspection by the Environmental Health Department as required by San Joaquin County Development Title, Section 9-1115.5(e).
2. Open, pump, and backfill any septic tank, seepage pit or excavation, that is to be abandoned, under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

If you have any questions, please call Michael Suszycki, Senior REHS, at msuszycki@sjgov.org or (209) 598-37001.

Steven Shih, REHS
Program Coordinator

LIGURIAN ESTATES
FAIR SHARE HOUSING NEEDS

October 2021

San Joaquin County's fair share of the regional housing need was established by the San Joaquin Council of Governments for the years 2014-2023 in the San Joaquin County Regional Housing Needs Plan of 2014. County's fair share of the regional housing need is incorporated in the County's adopted Housing Element of the General Plan 2015-2023. The Future Needs Assessment of the Housing Element is attached. At the time of adoption, the County's fair share of the regional housing need was identified as a total of 8,301 units, which included 5,112 units for Moderate and Above Moderate income levels and 2,189 units for Low, Very Low and Extremely Low income levels.

During the eight years 2014 to 2021, as estimated by the California Department of Finance on January 1 of each year, a total of 3,066 units have been produced in San Joaquin County for all income categories, which is approximately 37% of the 2014-2023 total projected housing need. The proposed annexation will contribute lands available for residential development, thereby to future housing production in the unincorporated County and to County efforts to produce its fair share of the regional housing need.



44 N SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

April 14, 2022

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Out-of-Agency Sewer Service Request for Ligurian Villages and Eastbrook Estates**

Recommendation

It is recommended that the Out-of-Agency request for Ligurian Villages and Eastbrook Estates for sewer service from the City of Stockton be denied. CSA 41 is already authorized to provide this service. A Resolution is attached for the Commission's consideration. Alternatively, a Resolution for approval is attached.

Background

In 2005, the City of Stockton extended a sewer line in the County for construction of a new elementary school (Wilhelmina Elementary School) in an area known as the Eastside of Stockton, outside of the City limits. The new school needed a capacity of about 42 single family dwelling equivalents (SFE), an amount needed to serve 42 single family homes. Instead of constructing a line to just serve the school, the City constructed a line to serve 540 single-family equivalents. The City subsequently (April 2010) established an Area of Benefit (AOB) for additional capacity to allow for the reimbursement of the cost for the extension of the sewer. The City of Stockton did not do any required environmental review for the extension of the sewer line nor did the City address the growth inducing impacts associated with the oversizing of the sewer line. The City also, without authority, established an Area of Benefit outside its jurisdictional boundary. Stockton Unified School District prepared an environmental document addressing the impacts associated only with the construction of the elementary school with only a passing reference (without environmental assessment) to the impacts associated with the expanded sewer line. In 2006, the Wilhelmina School was constructed.

In July 2006, LAFCo approved an Out-of-Agency Service for Stockton Unified Wilhelmina School located on East Main and Wagner Ave. The school was already built and set to open in August 2006 when they realized they couldn't just connect to the nearby City sewer line. In order to get sewer service from Stockton, the school district agreed to the City's condition that they construct oversized sewer facilities for the school and other selected undeveloped properties along

Main Street. The City established the East Main Street Sewer System No. 6 Area of Benefit (AOB) in 2010. The AOB is for 540 SFE hookups available to properties along East Main Street. Through Out-of-Agency approvals, Wilhelmina School used 42 and Solari Ranch has 108. The Liguarian Villages and Eastside Estates parcels are within this AOB.

Also in 2006, LAFCo received an application for an out-of-agency service request to provide sewer connections to 108 single family units (Solari Ranch) adjacent to the school. Bruce Baracco, Executive Officer, advised the Commission that "Out-of-Agency service requests were not intended for large-scale development to receive services from a neighboring agency" and if Solari Ranch was approved "it should be expected that the remaining 390 SFE sewer hook-ups would also be considered for new development outside the City Limits." Ironically, the City expressed concern that the Solari Ranch subdivision is inconsistent with City's standards for parks, traffic circulation, storm drainage, and wastewater systems. On July 21, 2006, LAFCo approved the request.

CSA 41 Addition of Sewer

In September 2006, LAFCo approved sewer service for CSA 41. Sewer service was added to the CSA with the annexation of Tierra Del Sol, a 3.85 acre subdivision. Tierra Del Sol is within the East Stockton Sanitary Sewer Project (ESSSP) but since ESSSP does not provide operation and maintenance of new sewer facilities, Tierra Del Sol was required to install a sewer line and lift station and the CSA would then provide the operation and maintenance and levy assessments. Treatment is done by the City of Stockton. County Public Works created a Zone N for Tierra Del Sol for the additional service.

The subject request, Ligurian Villages and Eastbrook Estates, consist of three residential subdivisions. Ligurian Village 1 subdivided an approximately 19.9-acre area into 114 lots for single-family residences. Ligurian Village 2 subdivided an approximately 12.4-acre area into 53 lots for single-family residences plus one large remainder lot. Eastbrook Estates subdivided an approximately 14.7-acre area into 69 lots for single-family residences. The total number of single-family residences at buildout of all three subdivisions would be 236. Tentative subdivision maps for Ligurian Village 1 and Eastbrook Estates were approved by the County in 2007; the tentative subdivision map for Ligurian Village 2 was approved by the County in 2009. All three subdivisions had a condition of approval that requires the provision of sewer service.

Governmental Code Section 56133 and LAFCo's Policies

The Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 requires a city or district to obtain written approval from the local agency formation commission prior to providing new or extended services outside its jurisdictional boundaries (§56133). Certain exceptions apply to services that were previously provided prior to the enactment of the regulations. The underlying purpose of this legislation is to promote annexation over extension of service and to prevent the circumvention of the LAFCo process by providing services by contract instead of through the annexation of territory.

San Joaquin LAFCo's policies also govern determinations regarding out-of-agency service agreements and provide guidance for LAFCo's consideration. Our policies state, in part, that:

- LAFCo discourages extension of services by an agency without annexation.

- LAFCo will consider applications to extend services by contract beyond an agency's jurisdictional boundary only if it is within its sphere of influence *in anticipation* of a later change of organization.
- Out-of-Agency service agreements are typically considered when annexation is not immediately feasible, *and in anticipation of a later change of organization; or, in response to an existing or impending public health and safety threat.*

In practice, San Joaquin LAFCo has limited its approval of out-of-agency service requests for existing development in need of services in response to an existing or impending public health and safety threat. Commissioners are aware of this common occurrence as evidenced by the numerous requests on almost every agenda for existing development with failed septic systems (an existing health and safety threat). One exception to this principal of limiting approvals to existing development is for institutional uses such as *schools, medical facilities, County facilities, and state facilities* all of which provide a public service in the County. Out-of-agency service requests have not been used to promote or facilitate new development without annexation. Ligurian Villages and Eastbrook Estates clearly are inconsistent with the direction of the State Legislature and LAFCo's policies.

LAFCo's Role is to Oversee Governmental Structure

This matter is an important governance issue. Like the Tracy Rural Fire Protection District issue, where there was a desire not to detach upon annexation to the City of Tracy, governance structure is an important mandate delegated to LAFCos. In the case of the City of Ceres vs the City of Modesto (which actually dealt with the extension of sewer line), the Courts ruled that LAFCos serve as a "Watchdog" to oversee unified and accountable government. LAFCos have the power to promote the logical formation of local agencies consistent with the legislation creating an independent agency designed to bring about unified and accountable government. An out-of-agency service request where a city provides service outside its jurisdictional boundary is not in the best interest of the public. The City of Stockton is not accountable to residents outside its boundary. In the situation with the City of Stockton, such a request would continue to perpetuate inefficient government. Stockton's boundary is riddle with unincorporated islands for which there is no effort on part of the City nor the County's residents to annex. This continues the inefficient delivery of governmental services. This proposal would continue this pattern and would, in fact, remove any incentive to annex by providing sewer service. If development were to occur, annexation is the proper path.

We need to look at this issue from the direction given to LAFCo by the State Legislature and not based on how many errors have been made in this case by local government and how long this matter has taken by the private sector to come before LAFCo.

Alternative Courses of Action

The most desirable alternative is the annexation of this area to the City of Stockton. In 2006, the Executive Officer evaluated the option of annexation by extending the City boundary along Main Street. The Executive Officer determined that it was feasible but the proposal was somewhat complex and lacked support. This area is in the City's general plan and the City's Sphere of Influence, which means annexation is both desirable and supported by the City. Annexation should be explored.

Another option is to have sewer service provided by the County Service Area. CSA 41 already is authorized to provide this service. CSA 41 would simply need to enter into an agreement with the City of Stockton to provide treatment which does not require LAFCo's approval. Although not as desirable as annexation, this is a more appropriate option to an out-of-agency request. If the County approves development, it should take the responsibility to provide service.

The last option and the least desirable one is approval of the out-of-agency request. The City of Stockton has blatantly abused its authority by freely issuing "will serve" letters to any project that complies with its general plan, even when it is feasible to annex. This error in judgement is based on the fact that a general plan is intended to designate the future use of the land **when** it becomes part of the City. LAFCo has continually made efforts to thwart this approach to governance. Unfortunately, this has been compounded by the County that has also inappropriately relied upon these "will serve" letters to approve development without services. This case is simply a product of these actions. LAFCo's responsibility, however, remains the same which is to implement State and Local policies related to unified and accountable governance.

Attachments: Resolution No. 1470
Resolution No. 1471
Vicinity Map
Out-of-Agency Application

Out of Agency Ligurian Villages and Eastbrook Estates

San Joaquin Local Agency Formation Commission

April 14, 2022

Proposal

- Ligurian Villages and Eastbrook Estates consist of 3 residential subdivisions: Ligurian Village 1, Ligurian Village 2, and Eastbrook Estates
- 236 single family residences at buildout
 - Ligurian Village 1 – 114 lots
 - Ligurian Village 2 – 53 lots
 - Eastbrook Estates – 69 lots
- Tentative subdivision maps were approved with a condition of approval requiring the provision of sewer
- Available sewer service is from the City of Stockton



Vicinity Map—

Ligurian Villages
and Eastbrook
Estates

Background

- In 2006, LAFCo approved an Out of Agency Sewer Service from the City of Stockton to the new Wilhelmina Elementary School located in unincorporated County, east Stockton
- Construction of the school was completed when they realized they could not just connect to the nearby City of Stockton sewer without LAFCo's approval
- The City conditioned its approval requiring the school to oversize sewer facilities for the school and other selected undeveloped properties along East Main Street
- A sewer line was constructed without environmental review to serve 540 single-family equivalents and Stockton established an Area of Benefit (AOB) outside its City's jurisdiction.
- An AOB allows for the reimbursement of the cost for the extension of sewer

Background

- The City formed an AOB outside its jurisdictional boundary without environmental review and did not address the growth inducing impacts associated with oversizing the sewer line
- Stockton Unified School District prepared an environmental review addressing only the impacts associated with the construction of the elementary school
- In 2006, LAFCo received an application for Out of Agency sewer service from the City of Stockton for Solari Ranch, a 108 single family subdivision

Background

- The LAFCo Executive Officer in 2006 expressed concern that:
 - *“Out of Agency service requests were not intended for large-scale development to receive services from a neighboring agency”*
 - *“It should be expected that the remaining 390 SFE sewer hook-ups would also be considered for new development outside the City Limits,”* if Solari Ranch was approved
- The City of Stockton also expressed concern that the Solari Ranch subdivision was inconsistent with City’s standards for parks, traffic circulation, storm drainage, and wastewater systems
- The Commission approved the Out of Agency request to Solari Ranch in 2006

Addition of Sewer

- In 2006 sewer service was added to the authorized powers for CSA 41
- Sewer service is provided to the Tierra Del Sol Subdivision, a 3.85 acre subdivision
- Tierra Del Sol is within the East Stockton Sanitary Sewer Project (ESSSP) but was required to install a sewer line and lift station for connection
- ESSSP does not provide operation and maintenance services for new facilities
- The CSA provides operation and maintenance while the City provides treatment via an Out of Agency service agreement
- A new Zone N was formed for the additional service

Government Code Section 56133

- Requires a city or district to obtain written approval from LAFCo prior to providing new or extended service outside its jurisdictional boundaries
- Underlying purpose is to promote annexation over extension of service and prevent the circumvention of LAFCo process by providing services by contract instead of through annexation

LAFCo's Out of Agency Policies

- Discourages extension of services by an agency without annexation
- LAFCo will consider Out of Agency only if area is within the Sphere of Influence in anticipation of a later change of organization
- Out of Agency is typically considered when annexation is not immediately feasible and in anticipation of a later change of organization or in response to an existing public health and safety threat

LAFCo's Out of Agency Policies

- In practice LAFCo has limited its approvals for Out of Agency for existing development in response to an existing or impending public health and safety threats
- Out of Agency approvals are considered for institutional purposes which provide public services in the County, i.e., schools, medical facilities, County and state facilities
- The Ligurian Villages and Eastbrook Estates are inconsistent with §56133 and LAFCo policies

LAFCo's Role is to Oversee Governmental Structure

- LAFCo's have the power to promote the logical formation of local agencies consistent with creating independent agencies designed to bring about unified and accountable government
- Approval to the Ligurian Villages and Eastbrook Estates would:
 - Allow the City of Stockton to provide service outside its jurisdiction boundary
 - Stockton is not accountable to residents outside its boundary
 - Perpetuate inefficient government
 - Remove any incentives to annex

LAFCo's Role is to Oversee Governmental Structure

We need to look at this issue from the direction given to LAFCo by the State Legislature and not based on how many errors have been made in this case by local governmental agencies and how long this matter has taken by the private sector to come before LAFCo.

Alternative Courses of Action

Annex to the City of Stockton

- Most desirable option
- Area is in the City's General Plan and Sphere of Influence
- Annexation determined to be feasible

Sewer Service provided by CSA 41

- The CSA is already authorize to provide sewer service
- CSA can contract with the City for treatment, does not require LAFCo approval
- If the County approves development, it should take responsibility to provide service

Approve the Out of Agency Request

- City issues Will Serve letters to projects simply because it complies with its General Plan, even when annexation is feasible
- County has inappropriately relied upon Will Serve letters to approve development without services

Discussion

- The underlying purpose of §56133 is to promote annexation over extension of service
- LAFCo's have the power to promote the logical formation of local agencies consistent with creating independent agencies designed to bring about unified and accountable government
- Approval to the Ligurian Villages and Eastbrook Estates would:
 - Allow the City of Stockton to provide service outside its jurisdiction boundary
 - Stockton is not accountable to residents outside its boundary
 - Perpetuate inefficient government
- We need to look at this issue from the direction given to LAFCo by the State Legislature and not based on how many errors have been made in this case by local governmental agencies

Recommendation

It is recommended that the Commission deny the request for Out of Agency sewer service for the Ligurian Villages and Eastbrook Estates and alternative resolution is offered for Commission's consideration

Resolution No. 1470

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
DENYING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE CITY
OF STOCKTON TO LIGURIAN VILLAGES AND EASTBROOK ESTATES**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby DENIED.

Section 2. The proposal is found to be inconsistent with California Government Code 56133 and San Joaquin LAFCo's policies regarding out-of-agency service in that the proposal is not in anticipation of annexation or in response to an existing or impending public health and safety threat.

PASSED AND ADOPTED this 14th day of April 2022, by the following roll call votes:

AYES:

NOES:

ABSENT:

DAVID BREITENBUCHER, Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1470
04-14-22

Resolution No. 1471

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE
CITY OF STOCKTON TO LIGURIAN VILLAGES AND EASTBROOK ESTATES**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby approved.

Section 2. The previously prepared CEQA document is applicable to this action.

Section 3. The proposal is subject to the following conditions:

- a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
- b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 14th day of April 2022, by the following roll call votes:

AYES:

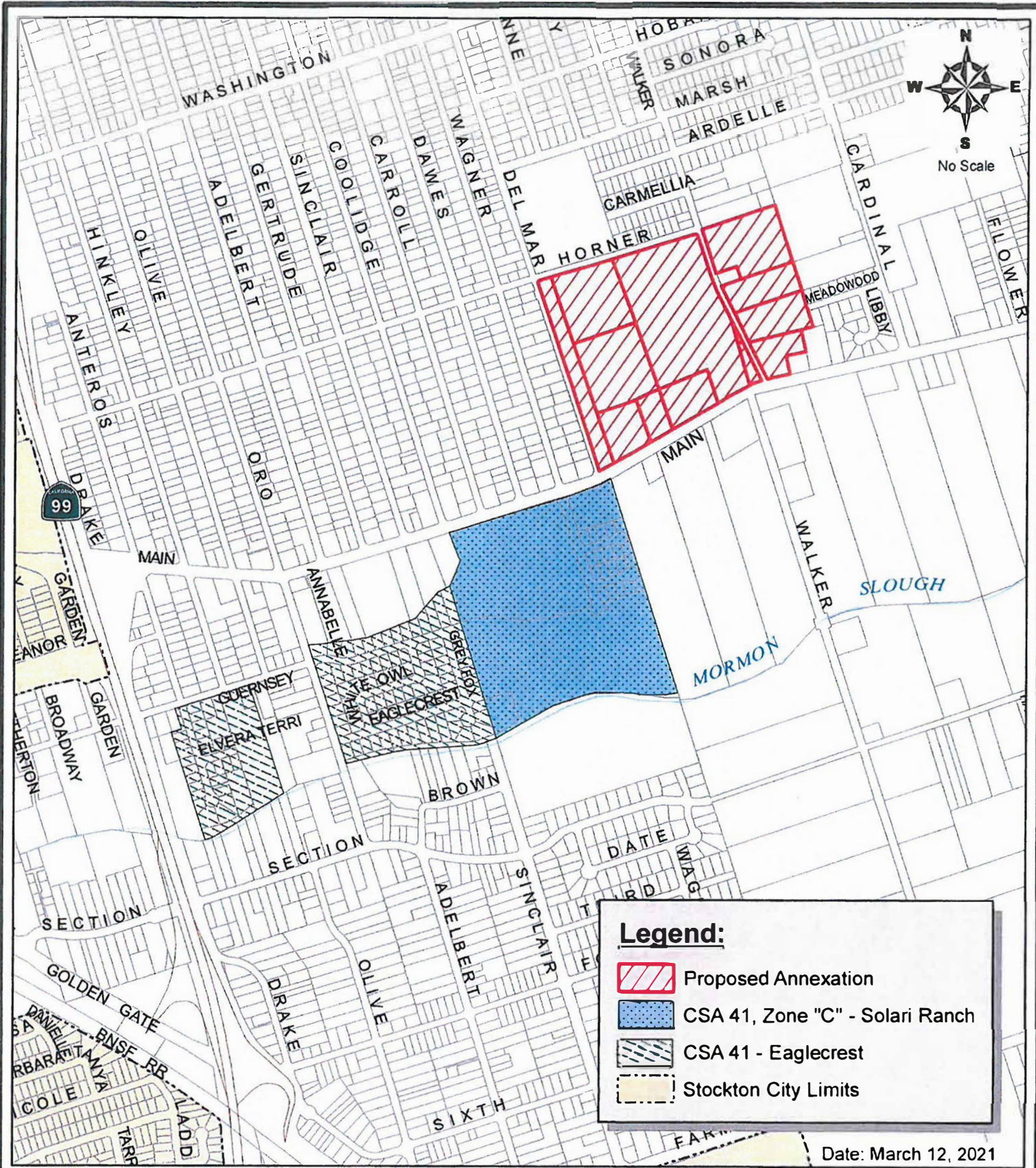
NOES:

ABSENT:

DAVID BREITENBUCHER, Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1471

04-14-22



Legend:

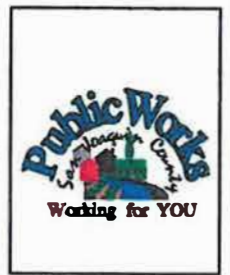
- Proposed Annexation
- CSA 41, Zone "C" - Solari Ranch
- CSA 41 - Eaglecrest
- Stockton City Limits

Date: March 12, 2021



EXHIBIT "A"
PROPOSED ANNEXATION INTO
COUNTY SERVICE AREA 41

SAN JOAQUIN COUNTY
 Department of Public Works, 1810 E. Hazelton Ave., Stockton, CA 95205
 The County of San Joaquin does not warrant the accuracy, completeness, or suitability for any particular purpose.
 The information on this map is not intended to replace engineering, financial or primary records research.



San Joaquin
Local Agency Formation Commission
1860 E. Hazelton Avenue Stockton, CA 95205
209-468-3198 FAX 209-468-3199

OUT-OF-AGENCY SERVICE APPLICATION

AGENCY TO EXTEND SERVICE:

Agency: City of Stockton, MUD
Contact Person: John Wotilla
Address: 345 N El Dorado St, Stockton, CA 95202
Phone Number: 209-937-8436

CONTRACTING PARTY:

Property Owner: LGI Homes CA LLC
Mailing Address: 2251 Douglas Blvd #110, Roseville, CA 95661
Phone Number: 310-560-1487

PROPERTY LOCATION:

Assessor Parcel Numbers: SEE ATTACHED LIST
Property Address: SEE ATTACHED LIST
Acreage: SEE ATTACHED LIST

1. What is the existing use of the site?
The existing site is open space with approved tentative maps on each property.

2. If change in use is proposed, provide description of change.
The use of the site will change from open space to a residential subdivision. Each property has approved tentative maps.

3. List type of service(s) to be provided by the agency.
The City of Stockton will provide and maintain sanitary sewer for 236 lots.

4. Is the request for service to respond to an existing or impending threat to the health or safety of the residents of the affected territory? Please provide documentation.
No.

5. Is the territory within the Agency's sphere of influence? If no, a sphere amendment must be requested concurrent with this application.
Yes
6. Describe in detail how service will be extended to the property:
- A. Describe needed improvements and distance for connections
The sewer in main street extends past the frontage of the property. The project will tie into the 18" line in main street and extend the sewer throughout the proposed subdivision. Laterals of homes fronting Horner and Del Mar will tie directly into existing sewer lines in the road.
 - B. What are the improvement costs and other start up costs?
Including a 10% contingency, the total cost to construct the sewer system is \$539,378.
 - C. How will services be financed – Identify both capital and ongoing operations costs?
Services will be financed through City of Stockton Fees.
 - D. Attach a map showing proposed and existing infrastructure.
See Attached
7. Is annexation of the territory to the agency providing services anticipated at a future time? If yes, when? If no, why not? Provide a copy of the Pre-annexation Agreement, if applicable.
The will serve letters provided by the City of Stockton require that the property owner sign a conditional utility service agreement for future annexation to the City of Stockton on demand by the City. Date of future annexation is unknown.
8. Attach a Vicinity Map showing property, city or district boundary and Sphere of Influence boundary.
See attached Vicinity Map

Environmental Review

Please include a copy of environmental review conducted for the project. If exempt, please provide a copy of the Notice of Exemption.

See attached Environmental Report

7. List of affected Assessor Parcel Numbers, Owners of Record and Parcel Sizes:

<u>APN</u>	<u>OWNER</u>	<u>ACREAGE</u>
159-100-070	LGI Homes – California, LLC	2.13
159-100-080	LGI Homes – California, LLC	4.97
159-100-090	LGI Homes – California, LLC	5.29
159-100-100	LGI Homes – California, LLC	2.13
159-100-110	LGI Homes – California, LLC	1.15
159-100-120	LGI Homes – California, LLC	14.08
159-400-250	LGI Homes – California, LLC	3.49
159-110-290	LGI Homes – California, LLC	2.10
159-110-300	LGI Homes – California, LLC	3.24
159-110-310	LGI Homes – California, LLC	2.42
159-110-250	LGI Homes – California, LLC	4.62

